

Attachments Booklet

Local Planning Panel Meeting

Thursday 28 June 2018

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SUSTAINABLE AND BALANCED GROWTH

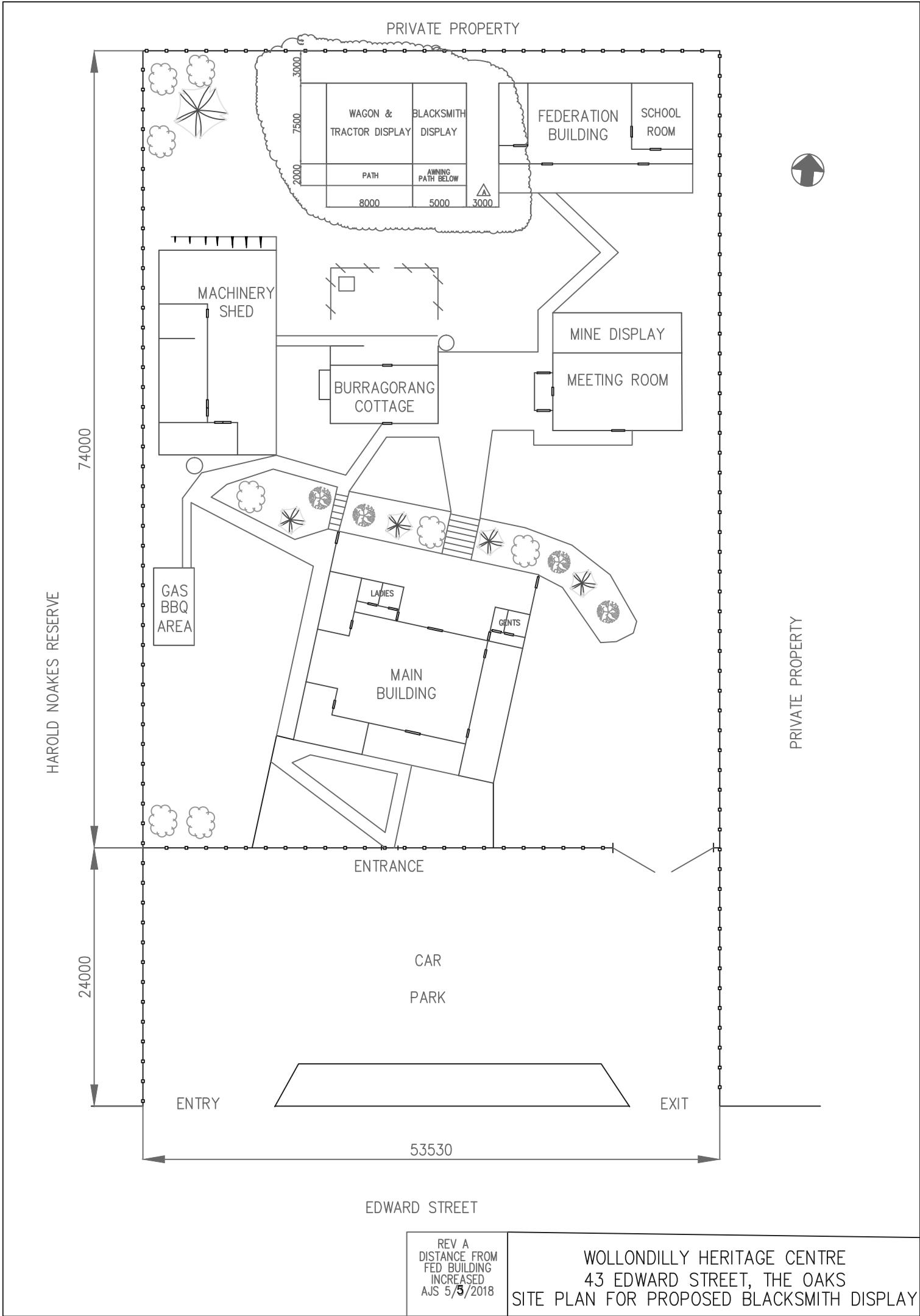
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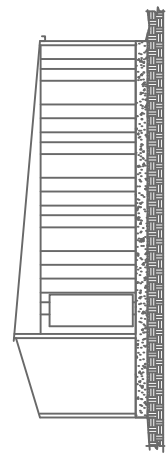
Report 1 Attachments

1. Site Plan
2. Floor Plan, Concrete Slab & Sections
3. Detail Plan
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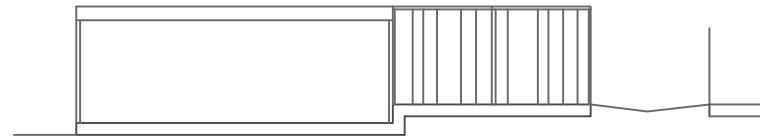
Thursday 28 June 2018

Report 1 – Development Application 010.2018.00000087.001 -
104 Merlin St, The Oaks – Historical Display Area

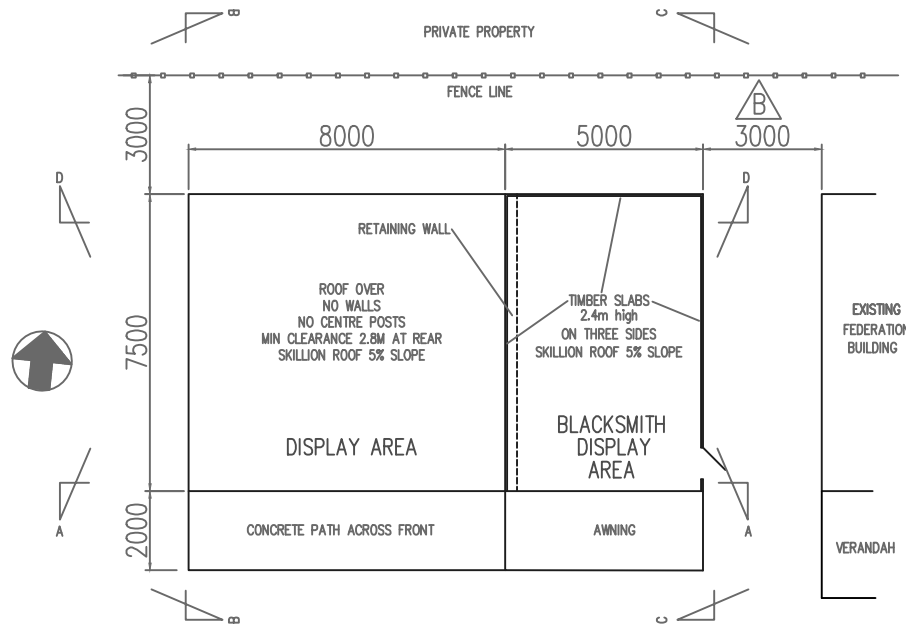




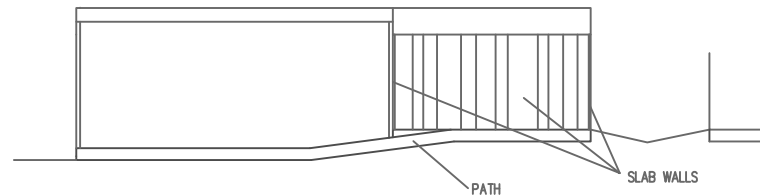
SECTION C-C



SECTION D-D

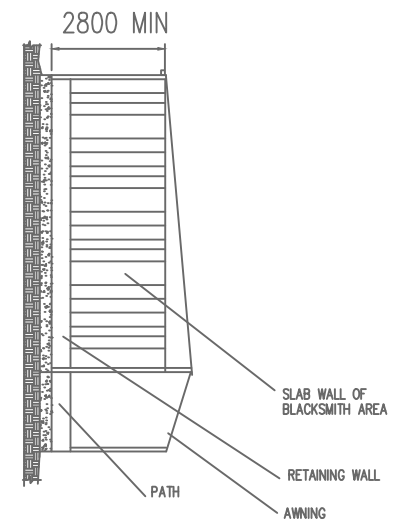


PLAN VIEW



FRONT VIEW
(AWNING OMITTED FOR CLARITY)

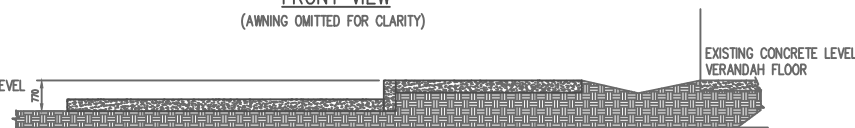
BLACKSMITH DISPLAY AREA TO HAVE 100mm X 50mm
TREATED PINE FRAME CHEMICALLY ANCHORED TO
SLAB. WALLS TO USE EXISTING 2.4 METRE HIGH
HARDWOOD SLABS.



SECTION B-B

CONCRETE DETAILS:
100mm THICK CONCRETE SLAB WITH THICKENED EDGE
TO PERIMETER WITH 3 BAR 11mm. SL72 FABRIC TO
SURFACE WITH 200um PLASTIC UNDER SLAB.

EXISTING GROUND LEVEL
WESTERN END



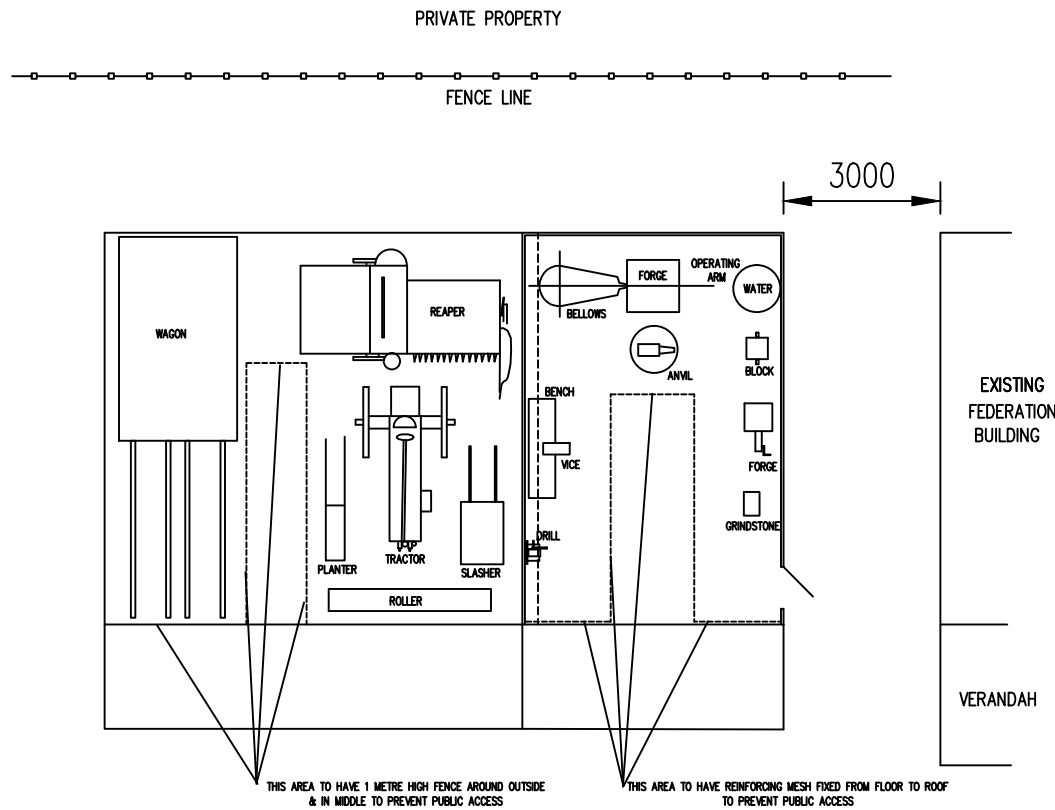
SECTION A-A
CONCRETE SLAB

0 0.5 1 2 3m

REV B
DISTANCE FROM
FED BUILDING
INCREASED
AJS 5/3/2018

REV A
EXTRA DETAIL
ADDED
AJS 26/2/2018

WOLLONDILLY HERITAGE CENTRE
43 EDWARD STREET, THE OAKS
BLACKSMITH DISPLAY AREA



PLAN VIEW

0 0.5 1 2 3m

A
DISTANCE FROM
FED BUILDING
INCREASED
AJS 9/5/2018

WOLLONDILLY HERITAGE CENTRE
43 EDWARD STREET, THE OAKS
BLACKSMITH DISPLAY DETAIL

LPP Report Attachment 5:

1.3.3 DCP Assessment – 104 Merlin Street THE OAKS

Volume 1 - General		
Relevant Provisions		Comment
Part 1 - Preliminary		
1.2 Objectives of the Plan		
1	To assist in the realisation of the aims of Wollondilly Local Environmental Plan, 2011.	
2	The specific controls and volumes of this plan each have objectives as detailed throughout this plan.	
Part 2 - General considerations for all development		
2.1 Objectives		
1	To ensure that developments are undertaken with due regard to human safety.	
2	To ensure that developments do not unreasonably impact on their surrounds.	
3	To ensure that developments achieve a satisfactory level of social equity.	
2.2 Controls		
1	The consent authority shall consider the following safety and human health risks in assessing a development application under this volume:	
a)	Road and traffic hazards;	Not applicable. No changes are proposed to existing site access and parking.
b)	Bushfire threat;	The site is identified as partially bushfire prone; however, as development is a non-habitable structure and is not directly intersected by bushfire prone land, bushfire threat is considered to be acceptable.
c)	Flood risk;	Site is not identified as flood prone land.
d)	Noise, vibration, pollution, odour, radiation or waste from surrounding land uses;	No significant hazards identified.
e)	Exposure to electricity transmission systems;	There are no easements for electricity transmission in the vicinity.
f)	Exposure to radiation from telecommunications infrastructure;	There is no telecommunication infrastructure in the vicinity.
g)	Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises;	Not applicable. No restricted or sex services premises within proximity of the subject site.
h)	Hazards from vehicles within car parking areas; and	Not applicable. No changes are proposed to existing site access and parking.
i)	Hazard from potential contamination of the land.	104 Merlin Street The Oaks is not a known NSW contaminated site notified to Council or EPA.

LPP Report Attachment 5:

1.3.3 DCP Assessment – 104 Merlin Street THE OAKS

Volume 1 - General		
Relevant Provisions		Comment
	Part 3 - Variation	No variations have been requested for this Development Application.
	Part 4 – Community Engagement	
	The purpose of this part is to ensure that members of the public potentially affected by a proposed development have input into the assessment process before a final decision is made on a development application. It outlines Council's notification and advertising procedure for development applications.	
	4.1 Development applications to be notified	
		The proposal has been notified to adjoining landowners for a period of fifteen (15) days from 28 February 2018. No submissions have been received.
	Parts 5 - 12	Not applicable.

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
PART 1 – PRELIMINARY		
1.2 Objectives		
The object of this volume is to ensure commercial and community development achieves the aims of Wollondilly Local Environmental Plan, 2011 by promoting economic activity and local job creation while ensuring developments achieve excellent planning outcomes.		
1.3 Parts of this volume		
The requirements contained within Part 2 apply to all development types to which this volume applies. Part 3 applies to specific land uses: Part 4 applies to specific locations:		
Part 2 – General Requirements for all Commercial and Community Uses		
2.1 Sustainability		
Objectives		
To ensure the application of Ecologically Sustainable Development (ESD) principles at all stages of development including demolition, construction and ongoing use over time.		
Controls		
1	Timber sourced from old growth forests may not be used in development subject to this volume.	Noted. Timber is to be used for the construction of the Blacksmith display has been recovered from another building.
2	Impacts to groundwater must be minimised by:	
a)	Ensuring no contaminated runoff enters the groundwater system; and	No contaminated runoff is anticipated. Complies.
b)	Retaining and protecting significant stands of native vegetation; and	No native vegetation removal is proposed as part of this application. Complies.

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
c)	Minimising cut and fill; and	Proposed cut and fill is expected to be minimal – 800mm maximum. To be conditioned accordingly.
d)	Maximising landscaped areas that are deep soil and are hydraulically connected to the natural soil and groundwater system.	The subject site is zoned RE1 Public Recreation. The existing vegetation on the site will not be affected by the proposal. No landscaping is proposed as part of the application but no objection is raised in this regard.
3	All development resulting in more than 200 square metres of new GFA must provide rainwater collection tank(s) to collect rainfall and runoff from roof areas. The minimum volume of the tank(s) shall be 1,000 litres per 100m ² (rounded down to the nearest 100m ²) of new GFA. Such tank(s) must have their overflows connected to a point for suitable integration with the natural or constructed stormwater drainage system.	The proposed floor area does not exceed the 200 square metre threshold, thus no rainwater tanks are required. Complies.
4	Water from rainwater collection tank(s) must be used for at least one of the following:	No rainwater collection proposed.
a)	Irrigation and maintenance of landscaped areas;	
b)	Cleaning and maintenance of built development;	
c)	Toilet flushing;	
d)	Laundry purposes; or	
e)	Car washing.	
5	All plumbing fittings connected to potable water supply must be Triple A or higher rated devices.	No potable water connection proposed.
6	Connection to recycled water is required if serviced by a dual reticulation system. Such water shall be used for all of the purposes listed above at control 4. The requirement to provide water tank(s) does not apply if the development is connected to a recycled water system.	Not applicable.
7	Commercial developments where the capital investment value are more than \$500,000 and that result in more than 100m ² of new GFA must install a photovoltaic system to	The proposed development does not exceed the capital investment value or GFA thresholds, thus no photovoltaic system is required. In addition, no connection to the electricity grid is proposed. Complies.

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
	complement consumption of electricity from the grid system. The capacity of the system must be no less than 5kW per 100m ² of new GFA. Details of the system shall be provided to the consent authority prior to the granting of any development consent	
2.2 Setbacks		
Objectives		
1.	To achieve safe, attractive, equitable and functional buildings.	
2.	To enhance and protect the public space adjacent to commercial premises.	
3.	To preserve the broader rural village character of the towns and their centres.	
Controls		
1.	Buildings on sites adjoining public open space must not cast a shadow onto more than one third of that open space between the hours of 10am and 2pm during the winter solstice (measured at ground level).	Proposed development will not overshadow Harold Noakes Reserve which is situated on the western side of the subject site. Complies.
2.	Colorbond materials shall not be used in the external construction of buildings within the Business (B) Zones unless they account for less than 25% of each front elevation.	Not applicable. Site is located within RE1 Public Recreation zone.
3.	External materials used for newly constructed or extended commercial buildings within the business (B) zones shall be consistent with the materials used in adjoining commercial development or shall have a superior quality external finish.	Not applicable. Site is located within RE1 Public Recreation zone.
4.	Shipping containers shall not be used for storage within developments for commercial or community purposes.	Not applicable.
5.	Building designs must ensure that main entry and exit points are readily identifiable to intending patrons.	Proposed development will have clearly defined fenced off walking areas for patrons to view the displays. Complies.
6.	All building facades visible from a public place must be designed to reduce bulk and enhance the appearance of the building using appropriate architectural	The design and single storey construction of the proposal is compatible with the existing surrounding developments.

LPP Report Attachment 5:

1.3.3 DCP Assessment – 104 Merlin Street THE OAKS

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
	features, articulation and finishes.	The proposed structure, situated at the rear, will be screened by other structures on the site. It will have minimal visual impact when viewed from the surrounding public places.
7.	Commercial developments must have active frontages for the majority of the total frontage of the development to public spaces including roads and reserves. An active frontage must have a minimum of 75% glazing area which must be transparent.	Not applicable. Proposed development is not for commercial use.
8.	All facades must be designed in accordance with the Crime Prevention through Environmental Design (CPTED) Guidelines including allowance for casual surveillance of streets and other public places.	Not applicable.
9.	There must be a universally accessible and continuous path of travel to connect the public footpath to all car parking areas and the main public entry and exit point of a building.	A footpath connects the main entrance of the building to the car parking area. Complies
10.	Other uses within a basement car parking area (like switch rooms and waste storage areas) must be physically separated from vehicle and pedestrian movement.	Not applicable.
11.	The applicant for any proposal for mixed use development shall demonstrate, to the satisfaction of the Consent Authority, that the development provides adequate amenity to any proposed and/or existing residential use.	Not applicable.
12.	Building services, fittings and utilities (including, without limitation, downpipes, conduits and vents and air conditioning units and components) must be integrated with the features of any facade fronting public open space or a public street.	Not applicable.
13.	Building lights shall illuminate buildings and signs from the top-	Not applicable.

LPP Report Attachment 5:

1.3.3 DCP Assessment – 104 Merlin Street THE OAKS

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
	down rather than the bottom-up to reduce light spill into the night sky.	
14.	Lift towers and overruns, satellite dishes, motor rooms and service plants, air conditioning units, antennae, telecommunications devices, vent pipes and the like must not be visible from any publically accessible place.	Not applicable.
15.	Security shutters and roller doors on primary facades to a public street are not permitted unless they are open form or transparent. Security devices must be integrated within the design of the shop front structure.	Not applicable.
16.	The design and siting of Automatic teller machines (ATM's) must allow for queuing of users without obstructing the free movement of pedestrians and others within the public footpath and must be structurally protected to prevent ram-raid opportunities.	Not applicable.
17.	Commercial and community buildings constructed within a rural or residential zone must be designed to complement the character of the established built form of the locality. Building and infrastructure that contrast with the established built forms in the locality shall not be used in any rural or residential zone.	Not applicable.
18.	Commercial and community building developments that will result in a floor area greater than 400m ² shall provide amenities for the changing of infants and shall accommodate for both male and female parents/guardians undertaking this activity.	Proposed development is less than 400 square metres in floor area. Complies.
2.4 Open space		
Objectives		

LPP Report Attachment 5:

1.3.3 DCP Assessment – 104 Merlin Street THE OAKS

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
1.	To provide a variety of open spaces integrated with, and enhancing, the design and function of buildings such as verandas, courtyards, balconies and roof top gardens,	
Controls		
1.	Communal Open Space must be provided for developments exceeding the thresholds tabulated below at the rate provided in the table: (See DCP for further details)	Not applicable. This control applies to commercial developments.
2.5 Outdoor eating and seating		
Objectives		
1.	To encourage aesthetically attractive, comfortable, convenient and safe outdoor furniture for seating and eating areas ancillary to nearby premises or for general public use,	Not applicable.
Controls		
1.	A minimum 1.8 metres wide linear, unobstructed pedestrian movement pathway must be maintained through the public footpath at all times.	Not applicable. This control applies to commercial developments.
2.	Outdoor seating and eating areas operating outside daylight hours must be provided with lighting to the relevant Australian Standard.	
3.	Portable heating devices that are gas powered must be fitted with safety devices that automatically shut down the device when tilted.	
Note	Where the use of a public road reserve is proposed for commercial activities separate approval is required from Council and/or NSW Roads and Maritime Services. Where Council approval is required reference should be made to Council's policies relevant to use of public spaces for commercial activities.	
2.7 External storage		
Objectives		
1.	To ensure wastes are stored in a safe location that does not detract from the aesthetic qualities of commercial developments.	
Controls		
1.	There shall be no storage of goods or waste in areas that are visible to the public or patrons of facilities.	No storage of goods or waste are proposed.
2.8 Public realm		

LPP Report Attachment 5:

1.3.3 DCP Assessment – 104 Merlin Street THE OAKS

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
Objectives		
1.	To create and maintain a consistent character for each town and village centre through the development of a public realm strategy addressing on-street parking, public footpath, public / street furniture, signage and street trees.	
Controls		
1.	All works within the public domain must comply with Council's adopted Design and Construction Specification, Plans of Management and any other strategy adopted by Council for public spaces.	Not applicable. All proposed works are located within the curtilage of the Wollondilly Heritage Centre.
2.	Where a driveway crosses a public road frontage and is 5 metres or wider the vehicle lanes on the driveway must be separated to provide a pedestrian refuge within the footpath.	Not applicable. No changes to existing driveway crossovers.
3.	Where on street parking is not already provided (including paved shoulder and kerb and guttering) along the full frontages of the site it shall be installed prior to the occupation of any development subject to this volume.	The frontage of the site to both Merlin Street and Edward Street is full kerb and gutter. Complies.
2.9 Access and Traffic Generation		
Objectives		
1.	To provide the opportunity to access development sites by the widest feasible variety of transport modes,	
2.	To ensure delivery areas are suitably isolated from patron traffic to promote pedestrian safety.	
Controls		
1.	Service and delivery vehicles must have a separate access for developments with a GFA greater than 500m ² . This access may not be shared with the access to be used by patrons of the development.	It is not anticipated that there will be any services and deliveries to the subject site.
2.	Commercial premises must be provided with a minimum of one (1) loading / unloading space with sufficient capacity for the site.	Not applicable. This control applies to commercial developments.
3.	Forward entry/exit onto the street from the loading/unloading space must be provided.	Not applicable. This control applies to commercial developments.

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
4.	Premises exceeding the thresholds provided below must provide secured storage areas for bicycles, skateboards, prams and the like at the specified ratio. The secured area must be either within the main building or within a shed or similar structure protected from the weather and located to provide appropriate casual surveillance. (See DCP for further details for this control)	Not applicable.
2.10 Parking and Manoeuvring		
Objectives		
a)	To achieve vehicle parking and manoeuvring spaces that do not dominate the streetscape, and	
b)	To ensure developments accommodate parking demands of private land uses within private property.	
Controls		
1.	The construction of vehicle parking and manoeuvring areas must comply with Council's adopted Design and Construction Specifications.	Not applicable. No construction or alteration to existing vehicle parking or manoeuvring areas is proposed.
2.	Vehicle parking that is located within the front setback must be physically separated by permanent safety structures from road pavement and must not detract from the aesthetics of the streetscape.	Not applicable.
3.	Where security doors or gates are proposed to control access to vehicle parking an intercom system must be provided to facilitate access. Such doors and gates must also be positioned to ensure vehicles stand clear of the public footpath and any specified pedestrian access while the doors and gates are opening.	Not applicable.
4.	All above ground parking areas with more than 12 parking spaces must be landscaped including shade trees provided at the rate of one (1) canopy tree for every four (4) car parking spaces of part thereof. Shade trees must be located to provide shade to parked vehicles.	Not applicable.

LPP Report Attachment 5:

1.3.3 DCP Assessment – 104 Merlin Street THE OAKS

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
5.	Manoeuvring space must be sufficient to permit all vehicles to enter and leave a site in a forward direction in accordance with relevant Australian Standards.	Complies.
6.	Parking areas must be linked via a pedestrian path with the nearest public footpath.	Complies. Shared with vehicle access.
7.	Parking spaces adjoining pedestrian access must be provided with wheel stops or upright kerbs to protect the safety of pedestrians.	Not applicable. No parking spaces are adjoining pedestrian access to the centre.
8.	Parking areas for developments that operate outside of daylight hours must be lit in accordance with relevant Australian Standards.	Not applicable – parking area is to service the Wollondilly Heritage Centre only which operates 10am - 4pm on weekends and public holidays.
9.	Multi-unit complexes must provide a consolidated car parking area for patrons. No more than 50% of the total parking spaces on site shall be allocated to a single unit.	Not applicable.
10.	Parking must be provided at the rate tabulated below. The number of spaces shall be rounded up to the nearest whole number of spaces. Note: In a mixed use development the total number of car parking spaces shall be sum of the number of parking spaces required for each component use. a) Numerical Parking Rates (see the DCP for further details of this control)	Having considered the scale of the development (123.5 square metres) and that it is an ancillary display structure to the existing heritage centre, it is considered that the existing car parking (with approximately 28 car parking spaces) is adequate to meet car parking demand. Therefore provision of additional car parking is not required.
11.	Car parking areas shall be designed, embellished and located to minimise adverse visual impacts in the locality.	The existing car parking area is embellished.
12.	Large developments for retail (or mixed use including retail) that give rise to a need for 200 or more car parking spaces shall provide one (1) space for Seniors and one (1) for parents with prams for each 100 spaces (rounded down) required by this	Not applicable.

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
	volume. Such spaces shall measure no less than 2.8m x 5.5m and shall be signposted and marked with line marking paint. They shall be located to minimise travel distance to the entry points for the facility. The spaces required by this clause are not in addition to the spaces that are otherwise required by this plan.	
2.11 Waste Management		
Objectives		
1.	To ensure appropriate waste storage and collection facilities,	
2.	To minimise risk to health and safety associated with handling and disposal of waste and recycled material and ensure optimum hygiene,	
Controls		
1.	A completed Site Waste Minimisation and Management Plan (SWMMP) complying with the template in Appendix A of the NSW Office of Environment and Heritage's Model Waste must accompany an application for commercial buildings greater than 500m ² in GFA or any commercial development that is likely to produce hazardous waste products.	Not applicable. Proposed development does not exceed 500 square metres.
2.	There must be convenient access from each tenancy and/or larger waste producing area of the development to the waste/recycling storage room(s) or area(s). There must be step-free access between the point at which bins are collected/emptied and the waste/recycling storage room(s) or area(s).	Not applicable.
3.	Every development must include adequate waste/recycling storage area(s) to accommodate all relevant waste management processes and storage.	Subject site contains existing waste/recycling storage area. Complies.
4.	Special arrangements for storage, collection and disposal of medical and hazardous waste must be detailed in the Site	Not applicable.

Volume 5 – Commercial and Community Uses		
Relevant Provisions		Comment
	Waste Minimisation and Management Plan (SWMMP)	
5.	Waste/recycling storage areas must not be visible from outside of the building or by patrons.	Existing waste/recycling storage areas are not visible from outside of the building/patrons. Complies.
2.12 On-site waste water and stormwater management		
Note	The following documents will be used by Council (without limitation) in assessing any development application: Managing Urban Stormwater: Soils and Construction (Volume 1 – The Blue Book provides guidance during the construction of urban subdivisions and is available from Landcom. Volume 2 provides guidance for erosion and sediment control for a range of other activities) www.environment.nsw.gov.au/stormwater/publications.htm Model Code of Practice for erosion and sediment control (A resource guide for local Councils – Landcom) Managing urban stormwater: harvesting and reuse www.environment.nsw.gov.au/stormwater/publications.htm Australian Runoff Quality www.ncwe.org.au/arq	
Objectives		
1.	To minimise the impacts of urban development on the environmental values of waterways, groundwater systems and bushland areas,	
Controls		
1.	On sites without reticulated sewer, provision shall be made for the disposal of treated effluent in a manner that minimises the risk to the natural environment and to human health.	Not applicable. The site is connected to reticulated sewer.
2.	All stormwater management systems shall comply with Council's Design & Construction Specification.	Not applicable. No stormwater management systems are proposed. Standard stormwater conditions are to be imposed to ensure drainage/stormwater is appropriately managed.
3.	For developments providing more than 1000m ² of new GFA, a detailed stormwater treatment assessment shall be provided detailing how the development will result in improved stormwater quality and will achieve the principals of Water Sensitive Urban Design.	Not applicable. Does not exceed 1,000 square metres.

Report 2 Attachments

1. Development Consent & approved plans
2. Proposed plan of subdivision Stage 4C

Thursday 28 June 2018

Report 2 – Development Application 010.2015.00000213.002 -
Lot 5 Greenbridge Drive, Wilton - Proposed Modification to a
Development Consent



RURAL LIVING

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
INTEGRATED DEVELOPMENT CONSENT 010.2015.00000213.001
Environmental Planning and Assessment Act, 1979**

TO:

Cardno NSW/ACT Pty Ltd
PO Box 1285
WOLLONGONG NSW 2500

**Being the applicant(s) for Development Application 010.2015.00000213.001
relating to: Lot: 5 DP: 270536, Condell Park Road, Wilton**

APPROVED DEVELOPMENT: a two (2) staged seventy-seven (77) lot residential
subdivision and associated works

DETERMINATION DATE: 23 December 2015
LAPSE DATE: 23 December 2020

Pursuant to the Section 81 of the Act, notice is hereby given that the above
application has been determined by granting consent, subject to the conditions
attached.

Notes:

- (1) Except where a condition specifies a limit to the duration of the consent, this approval will expire if the development is not commenced within five (5) years of the determination date appearing above.
- (2) Development Consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the lapse date.
- (3) Where construction work is proposed, the granting of development consent is the first step in the process. Before construction work may commence, a Construction Certificate must be obtained from Council or an accredited certifier.
- (4) Should you feel aggrieved by Council's decision in this matter, or object to the conditions imposed, you are entitled to lodge, in accordance with Section 97(1) of the Act, an appeal with the Land and Environment Court of NSW within six (6) months of the date appearing above. Forms for such are obtainable from the Local Court at your request.
- (5) This application has not been considered by the Planning Assessment Commission.

Should you require further information regarding the above matter, please contact **Daniel Lukic, Senior Development Assessment Planner on phone (02) 46771100** or Fax (02) 4677 1831 in Council's Development Services Section Please quote File No. 010.2015.00000213.001.

Yours faithfully

Michael Kelly
TEAM LEADER DEVELOPMENT ASSESSMENT
DEVELOPMENT ASSESSMENT

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

Both Stages

- (1) Development Consent is granted for a two (2) staged seventy-seven (77) lot residential subdivision and associated works at Lot 5 DP 270536, Condell Park Road, Wilton.

- (2) The staging of the development is as follows:

Stage	Description
4C	The creation of fifty nine (59) residential lots
4D	The creation of eighteen (18) residential lots

- (3) Development shall take place in accordance with the following plans/reports (as amended in red).

Plan Title	Drawn By	Reference	Dated
General Arrangement Layout Plan (Stage 4C)	BAH from Cardno	NA82013043-07 C5002 Revision A	20/3/2015
General Arrangement Layout Plan (Stage 4D)	BAH from Cardno	NA82013043-07 C5003 Revision A	20/3/2015
Bulk Earthworks Contour Layout, Cut and Fill Layout	BAH from Cardno	NA82013043-07 C5006 and C5007 Revision A	20/3/2015
Street Tree Plan 4C and 4D Greenbridge East DA	CB from Lend Lease	Greenbridge East – STP4c and 4d.dgn Revision A	14/4/15

- (4) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 010.2015.00000213.001 received on 30/03/2015 except where varied by the following conditions of consent.

- (5) This consent does not imply and/or authorise any works to be undertaken on Lot 1 DP 270536 and/or Lot 208 1104390 or within the area of land to form Precinct 1 land.

All infrastructure and associated works (including rip raps and the like) shall be located wholly within the allotments created by this development consent.

The regrading/cut and fill works and the stormwater discharge rip rap scour bed north of proposed Lots 169 to 178 (inclusive) as shown on the General Layout Plan (Drawing Number NA82013043-07 C5002 Revision A) is not permitted to be undertaken by the terms and conditions of this development consent as Lot 1 DP 270536 and/or Lot 208 1104390 did not form part of this Development Application.

Details will need to be shown on the engineering design plans for approval prior to the release of any Construction Certificate in this regard.

- (6) This consent does not permit any works, cut, fill, storage of materials/plant/equipment/fill/spoil, removal of any vegetation (including the removal of any seed bank, groundcovers, mid to tall storey plants, shrubs and trees) within the 'green space' that is located immediately east of the approved Lot 178 and north of Road 09 and approved Lots 179 to 182 as shown on the General Layout Plan (Drawing Number NA82013043-07 C5002 Revision A).

Drainage infrastructure shall be wholly located within the road reserve of Road 09.

Prior to the issue of any Construction Certificate, a temporary fence shall be erected to prevent any access for the duration of all works associated with this and Development Consent 010.2014.00000505.001. This fence shall only be removed prior to the issue of the last Subdivision Certificate to be issued by the terms of this consent.

(Reason: to ensure that no works are undertaken on land that is mapped as being within the Natural Resource Biodiversity Protection area subject of Clause 7.2 from Wollondilly Local Environmental Plan 2011 [current version 4 September 2015])

- (7) The 'green space' located immediately east of Lots 182 to 184 inclusive is permitted to contain the proposed stormwater detention basin. The location, shape and dimension of the basin shall be in accordance with the approved plans of development.

If there is to be any increase in the dimension of the detention basin, than an Application to Modify Development Consent shall be submitted for assessment and determination. This consent does not permit any increase in the size of the basin.

- (8) This consent does not permit any works, cut, fill, storage of materials/plant/equipment/fill/spoil, removal of any vegetation (including the removal of any seed bank, groundcovers, mid to tall storey plants, shrubs and trees) within the lot containing the windrow (future Precinct Lot 1). As shown on the Stormwater Concept Plan, all drainage lines and services are permitted to traverse the land but only by the way of under boring.

The windrow of trees (as shown on the approved plans of development) shall be retained in full.

- (9) Prior to the issue of any Construction Certificate, in accordance with Part 6 from the National Parks and Wildlife Act 1972, an Aboriginal Heritage Impact Permit (AHIP) shall be obtained from NSW Office of Environment and Heritage and submitted to Council.

In the event NSW Office of Environment and Heritage advise an AHIP is not required, documentary evidence shall be provided to Council in this regard.

(10) Prior to the issue of any Subdivision Certificate for this development, either:

- (a) Wollondilly Street (New Oval Road) shall be constructed, and/or
- (b) Greenbridge Drive shall be extended (including the construction of the bridge subject of Development Application 010.2014.00000074.001), to provide public access to any residential allotment created by this consent.

At no time shall Broughton Street be used to accommodate any residential traffic associated with the Greenbridge East residential development.

(11) Development shall take place in accordance with the recommendations of the following reports:

- "Statement of Environmental Effects Greenbridge East Residential Subdivision Stages 4C & 4D" prepared by Cardno dated March 2015
- "Bushfire Protection Assessment Proposed Subdivision Greenbridge East Phase 2, Bingara Gorge" prepared by ecological Australia dated 27 March 2015
- "Flora and Fauna Assessment Greenbridge East Phase 2, Bingara" prepared by ecological Australia, dated 13 April 2015
- "Findings from Site Walkover for Preliminary Contamination Investigation Areas Subject to Current Development Approvals, Bingara Gorge Estate, Wilton" prepared by Douglas Partners (Ref: 43677.40.RL.001 Rev 1, RCB/DW.jib) dated 2 June 2015
- "Stormwater Management Strategy Statement" prepared by J Wyndham Prince dated 18 August 2014
- "Traffic Report for Proposed Greenbridge East Subdivision at Bingara Gorge" prepared by Colston Budd Hunt & Kafes, dated August 2014
- "Report on Phase 1 Salinity Assessment Wilton Parklands Community Association Schemes No.s 1 & 2, 80 Condell Park Road & 15 -45 Hornby Street, Wilton" prepared by Douglas Partners (Project 43677) dated January 2006
- "Arboricultural Development Assessment Report Greenbridge East Phase 2, Wilton NSW 2571 – Final" prepared by Moore Trees, dated February 2015.

except where modified by the following conditions:

(12) Each residential allotment must be connected to the Bingara Gorge sewage treatment plant and documentary evidence shall be provided to Council with each Subdivision Certificate application that this has occurred.

No allotment created by the terms and/or conditions of this development consent shall dispose of any effluent by an onsite sewage management system and/or conveyed to the existing pump out/holding well.

(13) Prior to the release of any Subdivision Certificate associated with this consent, all physical works required relevant to this consent under the Development Planning Agreement (DPA) executed 3 November 2007 shall be completed.

The onus is on the persons having the benefit of this consent to ensure compliance with this condition of consent.

- (14) Only until such a time that Lend Lease Communities (Wilton) have been authorised by the appropriate regulatory body to use any reclaimed water, no such water is permitted to be used to maintain any landscaping, turf and the like.
- (15) Only until such a time that Lend Lease Communities (Wilton) have been authorised by Council to use any reclaimed water, no such water is permitted to be used to maintain any landscaping, turf and the like.

(Reason: to ensure compliance with Development Consent/Section 68 Approval S47-07).

- (16) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
- (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition **Tree Clearing** has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan 2011.

- (17) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.
- (18) A management plan shall be prepared and submitted to the nominated Accredited Certifier prior to the issue of any Construction Certificate which details what measures and the like will be employed to prevent landowners of all adjoining and nearby allotments within the development from disposing domestic waste, particularly lawn clippings, into the Environmental Sensitive Land and the Precinct Lot 1 land.

A notation shall be placed on the contract of sale advising the responsibilities of all affected landowners in this regard.

- (19) Upon the submission of any Subdivision Certificate, Council shall be provided with a register detailing the following:
- Detailing a total of how many residential allotments have been created for the whole estate,
 - Detailing a total of how many lots have been registered at the Land Titles Office/ Land and Property Information (LPI).

2. INTEGRATED DEVELOPMENT

These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:

Both Stages

- (1) The conditions of the attached Bushfire Safety Authority issued by the NSW Rural Fire Service dated 17 August 2015 are included as conditions of this Consent.

NOTE: The General Terms of Approval issued by the New South Wales Rural Fire Service are provided as **Attachment A** to this development consent.

- (2) Certification from a suitably qualified and practising bushfire consultant shall be provided to Wollondilly Shire Council demonstrating that the works required by Condition 2(1) have been completed prior to the release of each Subdivision Certificate.

3. DEVELOPMENT NEAR EASEMENTS

These conditions have been imposed to ensure that there is no damage to the easement located on the property.

Both Stages

- (1) Prior to the issue of any Construction Certificate for the development, the boundaries of the existing gas main easement shall be clearly marked out on site by a registered surveyor and a plan clearly identifying the proximity of the proposed works to this easement shall be submitted to Council.
- (2) Prior to the release of any Construction Certificate, the persons having the benefit of this consent shall lodge a *"Dial Before You Dig"* inquiry with Jemena (or the relevant gas supplying authority).

If the proposed works are affected by a high pressure gas main, the persons having the benefit of this consent must notify Jemena (or the relevant gas supplying authority).

Documentary evidence shall be provided to the Principal Certifying Authority demonstrating compliance with this condition.

4. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

Both Stages

- (1) Construction shall not commence, nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by the Principal Certifying Authority. Preparatory survey work is permitted.

- (2) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
 - (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the *Local Government (General) Regulation 2005* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.

Sewage Management Facility has the same meaning as it has in the *Local Government (General) Regulation 2005*.

- (4) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.
- (5) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (6) There shall be no burning of builder's rubble, felled trees or other material on site.
- (7) All excavation and backfilling associated with the development must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- (8) If the soil conditions require it:
- (a) Retaining walls associated with the development or other approved methods of preventing movement of the soil must be provided; and
 - (b) Adequate provision must be made for drainage.
- (9) In accordance with Section 5.5 from the Statement of Environmental Effects, the persons having the benefit of this consent shall ensure the following:
- (a) Areas under construction will be fenced to ensure prevention of the general public entering areas of construction hazards.
 - (b) Upon completion of the development works all VPA parklands will be in a suitable condition for public recreational use.

5. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:-

Both Stages

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specifications except where varied by the Wollondilly Development Control Plan 2011 Volume 7 – Site Specific Controls – Bingara Gorge Estate, Wilton Park.
- (2) Engineering design plans and stormwater drainage calculations, for all roads and drainage construction, shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications Policy.
- (3) Prior to the commencement of any work, a Construction Certificate shall be issued by the nominated Accredited Certifier for the development.
- (4) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to the Principal Certifying Authority. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by the Principal Certifying Authority with the engineering plans.
- (5) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to the Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the Roads and Traffic Authority's "Traffic Control at Work sites" manual. The plan is to be prepared and endorsed by a person with current RMS certification and provided to the Principal Certifying Authority before issue of Construction Certificate for the development.
- (6) Where Council's Construction Specification requires that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Council

within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.

- (7) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted electronically in a XML format, including CCTV recording for all road stormwater lines, to the Principle Certifying Authority before the final inspection for the Certificate of Practical Completion. The "Works as Executed" details shall be shown on the approved plans and must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.

The applicant shall provide of all new assets constructed within the public land as per Council's asset valuation sheet.

Where Council is the nominated Principal Certifying Authority, the spread sheet will be attached to the approved plans and is available from the Design Specifications on the Website.

6. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

Both Stages

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) A drainage system shall be provided that ensures appropriate management of stormwater on all newly constructed roads. A drainage system shall be provided to collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (3) An interallotment drainage system shall be provided for those lots not able to discharge stormwater by gravity flow to the road gutter or suitable Council drainage system. This system shall be located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights.
- (4) Council drainage easements are to be minimum 3.0 m wide but may be larger depending on the size of the drainage structures. Typically, a suitable grassed swale will need to be constructed within the easement to convey the 1% AEP Overland flow.
- (5) Drainage is to be carried out in accordance with Council's adopted Stormwater Masterplan and Stormwater Management Strategy by J Wyndham Prince & Associates dated 18 August 2014. The proposed drainage system shall not use pit inserts for litter/sediment control an alternate system using dry sump GPTs shall be used that is approved by Council prior to the issue of a Construction Certificate.

- (6) All work for Ponds P and O shall be located within the proposed public reserve, no work for the pond or overflow shall be carried out within the Environmentally Sensitive Land.

All overflow water shall return to undisturbed natural ground levels before the boundary of the proposed public reserve.

- (7) Post development flows shall match pre development flows, particularly in regard to any disposal of water towards Lot 1 DP 270536, being the Environmental Sensitive Land containing Critically Endangered Ecological Community as defined by the Threatened Species Conservation Act 1995. Stormwater controls shall ensure that there is no impact upon the vegetation within the aforementioned allotment.

7. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

Both Stages

- (1) The applicant shall, at no cost to Council, construct and dedicate to Council a suitable road or roads to ensure all lots will have access to an appropriate public road. The road shall be constructed to Council's Design Specification and Construction Specification.
- (2) Prior to the issue of any Subdivision Certificate for Stages 4C and 4D, a public road connection shall be completed from either Greenbridge Drive or the road reserve adjacent to Wilton Oval to stages 4A and 4B. Both stages must be approved as a single Construction Certificate.
- (3) The applicant having the benefit of this consent shall, at no cost to Council, dedicate 4m x 4m splay corner at the junction of public road and the proposed future lots in order to ensure intersection sight lines can be maintained.
- (4) All Street Lighting shall be provided using **LED LIGHTING** within the subdivision to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.
- (5) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (6) All services including water mains and treated effluent mains shall not be located beneath the shared pedestrian/cycleway paths unless required to cross from one side of a road to another.
- (7) The asphaltic concrete depth for roads shall be a minimum 40 mm and 50 mm in cul-de-sacs.
- (8) The applicant shall provide test report on asphaltic concrete works in public road including certification of material, thickness and compaction from a qualified pavement engineer in compliance with relevant Australian Standards and Roads and Traffic Authority specifications.

- (9) Road Cross Section 2 detailed on Cardno Plan No. C5004 Revision A shall be amended to provide a 4.0m wide verge on the lot side, to accommodate the 2.0m concrete path, and a 1.0m verge on the open space side or alternatively provide a 1.5m wide pathway to retain proposed verge widths. Also on this plan amend Section 3 to place the concrete path 1.6m from the face of kerb.
- (10) On Cardno Plan No. C5003 Rev. The proposed concrete path fronting Lots 205 to 207 and Lot 219 for both street frontages and amend the Cross Sections. These sections of path are disconnected from the network,
- (11) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.
- (12) All infrastructure is to be designed to incorporate energy efficient materials including recycled materials where appropriate.
- (13) For all shareways the surface finish and grades shall comply with AS1428-1-2001 for accessibility. Rest areas with seating and shade shall be constructed at convenient locations – such as parkland areas.
- (14) Shareways are to be provided with shade trees compatible with the spatial restrictions of the footpath reserve and pavement type with a canopy structure that does not obscure the line of sight for pedestrians, cyclists and motorists.
- (15) To overcome damage of footpaths during dwelling building works the concrete paths and shareways shall to constructed to a residential driveway standard. Details to be included on the engineering plans.
- (16) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.
- (17) Access to the following lots shall be provided in accordance with those locations specified below:
- Access to Lot 176: shall be provided from Road 09 and located one metre from the common property boundary with Lot 177
 - Access to Lot 167: shall be provided from Road 09 and located one metre from the common property boundary with Lot 168 or Lot 166
 - Access to Lot 160: shall be provided from Road 09 and located one metre from the common property boundary with Lot 161 or Lot 159
 - Access to Lot 159: shall be provided from Road 09 and located one metre from the common property boundary with Lot 160 or Lot 158
 - Access to Lot 179: shall be provided from Road 09 and located one metre from the common property boundary with Lot 180 or Lot 188
 - Access to Lot 188: shall be provided from Road 09 and located one metre from the common property boundary with Lot 179 or Lot 187
 - Access to Lot 189: shall be provided from Road 09 and located one metre from the common property boundary with Lot 190 or Lot 200
 - Access to Lot 200: shall be provided from Road 09 and located one metre from the common property boundary with Lot 199 or Lot 189

- Access to Lot 154: shall be provided from Road 09 and located one metre from the common property boundary with Lot 155 or Lot 153
- Access to Lot 151: shall be provided from Road 09 and located one metre from the common property boundary with Lot 152
- Access to Lot 150: shall be provided from Road 09 and located one metre from the common property boundary with Lot 149
- Access to Lot 149: shall be provided from Road 09 and located one metre from the common property boundary with Lot 148
- Access to Lot 218: shall be provided from Road 09 and located one metre from the common property boundary with Lot 217
- Access to Lot 217: shall be provided from Road 09 and located one metre from the common property boundary with Lot 216
- Access to Lot 216: shall be provided from Road 09 and located one metre from the common property boundary with Lot 215
- Access to Lot 205: shall be provided from Road 09 and located one metre from the common property boundary with Lot 204

(Reason: to comply with Control 2, Section 3.7 Corner Allotments from Wollondilly Development Control Plan 2011 Volume 10 – Subdivision of Land)

- (18) The location of bus stops shall be identified on the engineering design plans prior to the release of any Construction Certificate.

Details shall also be provided regarding the construction of any bus shelters on the same plan.

8. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

Both Stages

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (5) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.

- (6) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.
- (7) All excess material shall be removed from the site. The spreading or stocking piling of excess material on site is not permitted.
- (8) Kikuyu will not be permitted to be used for turfing of any disturbed area.
- (9) The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Council with the Engineering Plans.
- (10) These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (11) All excess material shall be removed from the site. The spreading or stocking piling of excess material on site is not permitted.

9. EARTH FILL

These conditions have been imposed to ensure the safe disposal of fill:

Both Stages

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Design & Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.
- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (4) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a controlled activity permit has been issued by the Department of Primary Industries – Office of Water.
- (5) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (6) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (7) Where Council cannot be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.

- (8) Fill batters shall be limited to a maximum slope of 1 in 2 for batters greater than 0.6 metres in height unless supported by a geotechnical report prepared to the satisfaction of Council. In the case of batters less than 0.6 metres in height the maximum slope shall be 1 in 4 unless supported by a geotechnical report prepared to the satisfaction of Council.
- (9) Prior to use of the fill material, Condition 1 from Weed Management must be complied with.

(Reason: to ensure that adequate weed control so that weeds and their seed bank are not distributed during construction works).

- (10) There shall be no encroachment onto adjoining lands by fill placed near boundaries.

10. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

Both Stages

- (1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
- When drainage lines have been laid, jointed and bedded, prior to backfilling
 - Prior to pouring of the drainage pits, when the formwork and steel is in place.
 - Prior to pouring of the road drainage culverts, when the formwork and steel is in place.
 - When roadworks have been excavated to subgrade, prior to placing of pavement.
 - When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material.
 - When part of the pavement depth (as indicated by Council) has been placed.
 - During the roller test, which is to be carried out using a three point roller or approved equivalent.
 - At completion of pavement shaping, prior to priming.
 - At completion of the preparation of kerb and guttering subgrade.
 - At completion of the preparation of all concrete layback gutter crossing subgrade.
 - Prior to pouring vehicle crossing slabs, when formwork and steel is in place.
 - At practical completion of works.
 - At final completion of works (minimum of 12 months after date of issue of practical completion certificate.)

Note: It is the responsibility of the applicant or contractor to notify The Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours' notice is required for inspections.

- (2) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the PCA.

11. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

Both Stages

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate for the development.

- (4) All power and services provided to the development within the site shall be underground.
- (5) In relation to water supply work from any recycled water system, including any plumbing works associated with the system under Section 68 of the Local Government Act, 1993, the following works shall be inspected by Wollondilly Shire Council or their nominated agent, prior to backfilling, covering or lining:
 - Ball valve connection before backfilling
 - Front run (from meter area to dwelling or building) before backfilling
 - Rough-in before lining
 - Meter connection and final prior to occupation or use.

12. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

Both Stages

- (1) A Waste Management Plan is to be submitted to the Council or a nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council's Waste Minimisation and Management Guidelines and is

to include both the construction and post-construction phases of the development.

- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by Council or a nominated Accredited Certifier in response to a condition of this consent.

13. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

Both Stages

- (1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
- (2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

14. SECURITY AND SAFETY

These conditions are imposed to ensure that the development is compliant with the Safer by Design principles.

Both Stages

- (1) Australian and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lighting engineers and designers to consider crime risk and fear when selecting lamps and lighting intervals.
- (2) Public area lighting must be bright and even to permit facial recognition of approaching persons at 15m.
- (3) Street trees shall be maintained to maintain good sight lines from private and public vantage areas and not inhibit surveillance.
- (4) Pedestrian and cycle tracks must be wide enough to allow emergency vehicles to attend.

15. SIGNS

These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.

Both Stages

- (1) All directional signage shall comply with the Roads and Maritime Services guidelines.

Information with regard to directional signage shall be detailed and provided on the engineering design plans and submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

- (2) The signage approved as part of this development proposal must be maintained in good condition at all times to the satisfaction of Council.
- (3) That the location of the two (2) parks be appropriately signposted as soon as possible.

16. STREET TREES

These conditions are imposed to ensure that street trees are sensitive to the environment in which they are located.

Both Stages

- (1) Plans shall be provided that detail the location of all utility services, share ways and street trees including tree protection to be approved by Council prior to the issue of a Construction Certificate.

- (2) The following street trees species shall not be used:

- *Angophra costata*
- *Plantus x acerifolia 'Columbia'*
- *Allocasuarina littoralis*
- *Eucalyptus heamastoma*
- *Populus fastigiata*
- *Eucapltys territicornis*
- *Lophostemon confertus*
- *Sapium*
- *Angohora floribunda*
- *Lophostemon confertus*
- *Sapiums serbiferum*
- *Fraxinun grifithii*
- *Liquidambar*
- *Cupressus torulosa*
- *Sapium sebiferum.*

NOTE: It is recommended that the person(s) having the benefit of this consent use "Table 1: Recommended Groundcover and Small Shrub Species (under 1 metre) for the Shire", "Table 2: Recommended Shrub Species (1 to 5 metres) for the Shire", "Table 4: Additional Shrub Species: Douglas Park, Wilton and Appin area", "Table 6: Central Area: Douglas Park, Appin, Wilton, Picton, The Oaks, Razorback, Mt Hunter Cawdor and Menangle" from the Wollondilly

Development Control Plan 2011 Volume 1 – General as a guide for tree planting for this and the remainder of the estate.

- (3) Root guards are to be installed where street trees may affect infrastructure. Details shall be shown on the landscaping plans.
- (4) All street trees and landscaping located within Public Roads and Public Reserves shall be maintained for a 36 months defects liability period from the date of the release of each subdivision certificate for a subdivision creating residential lots.
- (5) All berms and batters to be stabilized with a sterile grass species that will not adversely impact on surrounding areas.
- (6) A bond shall be paid, with the amount determined at the time, to Council for a period of 3 years thereafter to cover the cost of replacing trees or landscaping that dies or is damaged irrevocably.

17. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

Both Stages

- (1) Landscaping is to be installed in accordance with the approved landscaping plans subject of Condition 1(2) prior to the release of the subdivision certificate for each stage.

The landscaping must be maintained in accordance with the details provided on that Plan at all times.

NOTE: By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted.

- (3) All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.
- (4) All existing trees and shrubs that are transplantable shall be salvaged for reuse. Non salvageable materials shall be disposed of in accordance with a waste management plan approved by Wollondilly Shire Council.

18. SALINITY MANAGEMENT

These conditions have been imposed in response to the NSW State Governments' best management practices for the management of urban salinity.

Both Stages

- (1) All construction measures recommended in the salinity assessments reports subject of Condition 1(3) and their recommendations shall be incorporated into Construction Activities for the development. Evidence that this will occur shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
- (2) Soil disturbance at a depth of 0.75 metres or greater should be minimised to reduce the potential for aluminium and magnesium to be transported to the surface.
- (3) A map of the Fairways East development area is to be provided that clearly identifies which areas are covered by which salinity assessment, including both Phase 1 and Phase 2 assessments and showing sampling points.

This map is to be similar to Drawing No. 36 in Appendix A of Report on Phase 1 Salinity Assessment – Wilton Parklands Remaining Site Area – Area 3 dated 30 May 2006. A copy of this map shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

19. TREE REMOVAL

These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner.

Both Stages

- (1) Prior to the removal of any tree, each tree must be inspected and removed by a qualified arborist and all hollows examined for micro bats and arboreal fauna.

An inspection report shall be supplied to Council that this condition has been suitably addressed prior to the issue of any Subdivision Certificate.

- (2) Any vegetation to be felled as part of this consent shall be mulched and reused onsite. The burning of the felled vegetation is not permitted. Trees that are to be retained must not be impacted by stockpiled material. Machinery and stockpiling of fill and materials is not permitted within the Environmental Sensitive Land or land subject of Conditions 1(5), (6), (7) and (8) inclusive.
- (3) In accordance with the Flora and Fauna Report, the persons having the benefit of this consent shall undertake the following measures:

(i) Prior to Construction

- The boundaries of impact areas should be clearly delineated using fences or similar means to prevent encroachment into the surrounding bushland
- Protected windrow areas should be clearly marked and fenced off to ensure protection

- Trees to be removed should be clearly marked prior to clearing.
- (ii) During Construction
- Storage areas should be located away from the creeks and drainage lines to minimise risk of pollution and adverse impact to aquatic ecosystems
 - A sterile cover-crop should be used to stabilise soil once earthworks have been completed
 - Installation of sediment and runoff control measures to prevent runoff entering adjacent bushland areas consistent with the Landcom Blue Book (Landcom, 2004)
 - Weeds within the construction site should be controlled appropriately according to their class and measures identified within the Vegetation Management Plan (VMP)
 - Clearing vegetation must only be conducted within the designated impact area
 - Wash down machinery before entering the site to limit weed spread
 - Ongoing weed control should be undertaken along the length of the works and around the residential development to reduce the impacts of edge effects on adjacent vegetation.
- (iii) Post Construction
- Ongoing management of weeds is required throughout the site, consistent with the VMP.

20. WEED MANAGEMENT

These conditions have been imposed to ensure that noxious and environmental weeds on the subject land are appropriately managed.

Both Stages

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Principal Certifying Authority for approval prior to the release of any Construction Certificate and shall include:
- a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (ie., low, medium, high);
 - b) A treatment schedule in tabulated form, specifying for each species:
 - i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
 - ii) The rates of application methods of all herbicide treatments;
 - iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
 - iv) The timing of treatments.
 - c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site;

- d) Details of any methods of disposal of weed material;

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Council that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

- (2) All preliminary weed treatment measures identified in the weed eradication and management plan shall be carried out prior to the release of the Subdivision Certificate.
- (3) Weed treatment must be demonstrated either through the presentation of invoices and/or receipts of contractor work and/or inspections by Council's Weeds Officer prior to the release of the Subdivision Certificate of any allotment approved in this development consent.
- (4) A certificate from a suitably qualified person that the initial treatment measures identified in the Weed and Pest Eradication and Management Plan is to be submitted to Council prior to the release of the Linen Plan of Subdivision of any allotment approved in this development consent.

A certificate from a suitably qualified person that the follow up treatments identified in the Weed and Pest Eradication and Management Plan shall be provided to the Principal Certifying Authority (3) months after the release of the linen plan of any allotment approved in this development consent.

- (5) The development shall be completed and all works carried out in accordance with the approved Weed and Pest Eradication and Management Plan, Bushland Management Plan at all times.

21. DEVELOPER CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

Both Stages

- (1) Developer Contributions shall be paid/all works in kind provided in accordance with the Bingara Gorge (Wilton Parklands) Development Planning Agreement (DPA) executed 3 November 2007.

Prior to the release of the Subdivision Certificate for any allotment approved by this development consent, documentary evidence shall be forwarded to Wollondilly Shire Council demonstrating that the requirements of the DPA relating to the creation of the allotments has been satisfied.

- (2) A copy of the Director General's Certification relating to the Wilton Park State Developer Agreement (Satisfactory Arrangements for designated State public infrastructure) dated 4 September 2015 forms Attachment B to this development consent.

Prior to the release of each Subdivision Certificate, the persons having the benefit of this consent shall provide Council with documentary evidence that works and the like subject of the Voluntary Planning Agreement have been undertaken in accordance with the lot creation anniversaries.

22. SUBDIVISION PLANS

These conditions have been imposed

(a) To outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.

(b) To outline Council's requirements on work standards for the construction of land subdivision:

Both Stages

- (1) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Lands Titles Office. A fee for the release of the Subdivision Certificate applies.
- (2) Existing easements and natural watercourses are to be marked on the Linen Plan of Subdivision.
- (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
- (4) The development shall be completed in accordance with the relevant plans and conditions of consent relevant to each stage of the development prior to the release of any Subdivision Certificate for that stage.
- (5) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
- (6) Submission to Council of a Precinct Management Statement and associated documentation under the Community Land Development Act, 1989, and Community Land Management Act, 1989, for lodgement at the Land Titles Office.
- (7) Subdivision to affect individual Title to each allotment shall be undertaken in accordance with the Community Land Development Act, 1989, and Community Land Management Act, 1989.
- (8) All infrastructure, wherever practical, should be located within public road reserves and other publicly accessible land.

- (9) A Section 88B Instrument shall be prepared which provides for the following Restrictions on the subject land:

- Building envelopes shall be created for Lots 178, 179, 180, 181, 182m 183, 184, 194, 195, 145, 144, 219, 202 to 207 inclusive: in accordance with the plan titled "Figure 3: Hazard Assessment showing resulting Asset Protection Zones" from the report titled "Bushfire Protection Assessment Proposed Subdivision: Greenbridge East Phase 2, Bingara Gorge" prepared by ecological Australia, dated 27 March 2015 (Project No. 15GOS_1413)

No part of any building envelope shall be located within any area shown as being affected by the asset protection zone hatching as delineated on the plan.

The building envelope is to be the area to accommodate construction of a dwelling and all ancillary buildings.

- For Lots 178, 179, 180, 181, 182m 183, 184, 194, 195, 145, 144, 219, 202 to 207: residential development shall be constructed to a minimum bushfire attack level of BAL29.
- Asset protection zones for Lots 178, 179, 180, 181, 182m 183, 184, 194, 195, 145, 144, 219, 202 to 207 inclusive shall not encroach into any area of land that is mapped as being environmentally sensitive defined by the Wollondilly Local Environmental Plan 2011 Natural Resources Biodiversity Map (Sheet NRB_11), any parkland and/or community parkland
- For Lots 176, 167, 160, 159, 179, 188, 189, 200, 154, 151, 150, 149, 218, 217, 216, 205: prohibiting direct vehicular access to and from the roads except at the locations defined in Condition 7(17)
- For all lots: no part of any asset protection zone is permitted to include land within Part Lot 1/Precinct land, the Environmental Sensitive Land and/or the area of land designated to contain the windrow of trees.
- For each corner allotment: a building envelope shall be delineated which identifies the primary and secondary setbacks

(Reason: as required by Control 1, Section 3.7 Corner Allotments from Wollondilly Development Control Plan 2011 Volume 10 – Subdivision of Land)

The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.

- (10) All intending purchases shall be clearly advised in the sale contracts and through the neighbourhood management statement that it is a requirement of the Wollondilly Local Environmental Plan 2011 that all dwellings must be located at least 20m from proposed drainage wells as set out in Figure 2 – Coal Mining Infrastructure Map from Wollondilly Development Control Plan 2011 Volume 7 – Site Specific Controls – Bingara Gorge Estate, Wilton Park.

23. FUTURE SITE DEVELOPMENT

These conditions are imposed to ensure that further and future development of the site will satisfy the requirements of Wollondilly Local Environmental Plan, 2011 and the Wollondilly Development Control Plan 2010

Both Stages

- (1) Prior to the development application for the subdivision creating the 700th residential lot studies shall be undertaken to determine the level of upgrading required (if any) for Hornby Street West from the development site and Almond Street to Picton Road.

The standard of any required upgrading shall be determined in conjunction with the development application for the 700th lot, in accordance with Council's Design Code and AUSTROADS standards.

This may include pavement strengthening and widening and intersection improvements.

- (2) Prior to the construction of the 700th residential Lot, a full seagull treatment at the junction of Picton Road and Almond Street shall be constructed to RTA standards and shall be operational.

24. GOLF COURSE

These conditions are imposed to ensure the golf course is safe and commenced within a timeframe acceptable to Council.

Both Stages

- (1) Works are to progress on the golf course at the same time as works for the subdivision of the land. In this regard prior to the release of the subdivision certificate for more than 375 residential lots at least 9 holes of the golf course suitable for public use shall be constructed. In addition, progress on the golf course shall meet the following milestones:

- Physical golf course construction including the bulk earth works for 4 golf holes and water storage, a construction compound and vegetation management shall commence prior to the release of the subdivision certificate for more than 200 lots
- Prior to the release of the subdivision certificate for more than 250 lots Council shall be provided with evidence that a contract has been entered into for the construction of 9 holes of golf to a playable standard
- Prior to the release of the Subdivision Certificate for more than 275 lots bulk earth works shall be completed for 4 holes
- Prior to the release of the Subdivision Certificate for more than 325 lots bulk earth works shall be completed for 6 holes.

This condition does not prevent the release of subdivision certificates that result in the development exceeding the milestones of 200, 250, 275 and 325 lots provided that the works associated with the particular milestone are almost complete and that the works associated with any previous milestone referred to in this condition have been completed.

- (2) Prior to the release of the subdivision certificate for more than 585 residential lots all 18 holes of the golf course shall be completed and suitable for use by the public including the provision of car parking, clubhouse and amenities for staff and visitors.
- (3) Documentary evidence shall be provided to Council with each application for a Subdivision **Certificate that conditions 24(1) and (2)** have been satisfied.

25. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

(1) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES

(a) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- (ii) Showing the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (iii) Stating that unauthorised entry to the work site is prohibited.

(b) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(c) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

ADVICES

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Dial before you dig (various services) 1100
 - Telstra (telephone) 1 800 810 443
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092

- (3) **This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.**
- (4) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
- (5) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (6) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Twenty Million Dollar Public Liability Insurance.
- (7) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.

*Should you require further information regarding the above matter, **please contact Mr D S Lukic, Senior Development Assessment Planner on phone (02) 46771100 or Fax (02) 4677 1831 in Council's Development Services Section Monday to Friday between the hours 8.00am - 4.00pm. Please quote File No. 10.2015.213.1***

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



SCANNED

The General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Your Ref: 010.2015.00000213.00
Our Ref: D15/2215
DA15073197934 DD

ATTENTION: D S Lukic

WOLLONDILLY SHIRE COUNCIL	
TRIM NO.	00010-15-213-1P2
PROP. No.	
17 AUG 2015	
AUTH. No.	
ASSIGNED TO:	DLukic

17 August 2015

Dear Sir / Madam

Integrated Development for 5/270536 - Condell Park Road, Wilton NSW

I refer to your letter dated 28 July 2015 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Cardno numbered NA82013043-07, dated 25 March 2015.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the issue of subdivision certificate and in perpetuity the roads and road reserves on the northern, eastern and southern boundaries of stages 4C and 4D shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. This also applies to all other open spaces including the windrow and the gas easement along the southern boundary of stage 4D.

Water and Utilities



Planning & Environment

Our ref: 15/13254
Your ref: DA213/2015

Mr Luke Johnson
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

WOLLONDILLY SHIRE COUNCIL	
TRIM No.	D9010. 2015.213.1p2
PROP No.	
- 9 SEP 2015	
AUTH. No.	
ASSIGNED TO: <u>Dukie</u>	

Dear Mr Johnson,

Satisfactory Arrangements Certificate
DA213/2015

77 lot residential subdivision, Stages 4C & 4D – Greenbridge East Precinct

I refer to the above development application and satisfactory arrangements clause 6.1 in the *Wollondilly Local Environmental Plan 2011*.

The Department has reviewed development application DA213/2015 as this relates to clause 6.1 of the *Wollondilly Local Environmental Plan 2011* and hereby confirms that satisfactory arrangements are in place for contributions to state infrastructure.

A planning agreement is in place for the land between Bradcorp Wilton Park Pty Ltd (the landowner) and the Minister for Planning. Attached is the Secretary's Certificate for your records.

Should you have any further enquiries, please contact Enguang Lee, Developer Contributions, at the Department on (02) 92286579.

Yours sincerely

Simon Officer
Chief Financial and Operating Officer
(as delegate of the Secretary)



SCANNED



Secretary's Certificate

**Satisfactory Arrangements for designated State public
infrastructure**

DA213/2015

Stages 4C & 4D – Greenbridge East Precinct

Wollondilly Local Government Area

In accordance with the provisions of clause 6.1 in the *Wollondilly Local Environmental Plan 2011*, I, Simon Officer, Chief Financial and Operating Officer, as delegate for the Secretary of the Department of Planning and Environment, certify that satisfactory arrangements for the provision of designated State public infrastructure are in place in relation to:

Development application number:	DA213/2015
Address:	Stages 4C & 4D – Greenbridge East, Bingara Gorge
Development application description:	77 lot subdivision and associated works
Map at Attachment A:	Yes


Chief Financial and Operating Officer
(as delegate for the Secretary)

Date:

4-9-15

**this satisfactory arrangements certificate is issued in relation to the above development application only.*

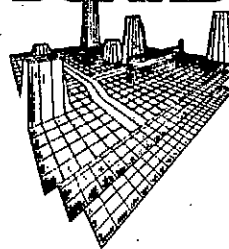


Secretary's Certificate

Annexure A

DA213/2015

MINE SUBSIDENCE BOARD



ABN: 87 445 348 918

NEWCASTLE

Ground Floor
NSW Government Offices
117 Bull Street
Newcastle West 2302
PO Box 488G Newcastle 2300
Telephone: (02) 4908 4300
Facsimile: (02) 4929 1032
DX 4322 Newcastle West

PICTON

100 Argyle Street
Picton 2571
PO Box 40 Picton 2571
Telephone: (02) 4677 1967
Facsimile: (02) 4677 2040
DX 26053 Picton

SINGLETON

The Central Business Centre
Unit 6, 1 Pitt Street
Singleton 2330
PO Box 524 Singleton 2330
Telephone: (02) 6572 4344
Facsimile: (02) 6572 4504

WYONG

Suite 3 Feldwin Court
30 Hely Street
Wyong 2259
PO Box 157 Wyong 2259
Telephone: (02) 4352 1646
Facsimile: (02) 4352 1757
DX 7317 Wyong

HEAD OFFICE

PO Box 488G
Newcastle 2300
Telephone: (02) 4908 4395
Facsimile: (02) 4929 1032



Email
mail@minesub.nsw.gov.au

Web
www.minesub.nsw.gov.au

24 Hour
Emergency Service
Free Call 1800 248 083

In reply please send to: Picton
Our reference: FN08-02984P2 PT:LE,
Your reference: 010.2015.00000213.001
Contact: John Rawes 4677 1967

WOLLONDILLY SHIRE COUNCIL	
TRIM No.	DD010-2015-213.1
PROP. No.	
18 AUG 2015	
AUTH. No.	
ASSIGNED TO.	DLUKIC

WOLLONDILLY SHIRE COUNCIL
MR D S LUKIC - DEVELOPMENT SERVICES
DX 26052
PICKTON NSW

14 August 2015

Dear Sir

DEVELOPMENT APPLICATION REFERRAL
LOT 5 DP270536 (PART PROPOSED LOTS 72/73) CONDELL PARK
ROAD WILTON (BINGARA GORGE)
STAGES 4C/4D LOTS 142-200, 202-219

The Mine Subsidence Board has no objection to this proposal having approved plans for this subdivision on 20th April 2015 for the above property.

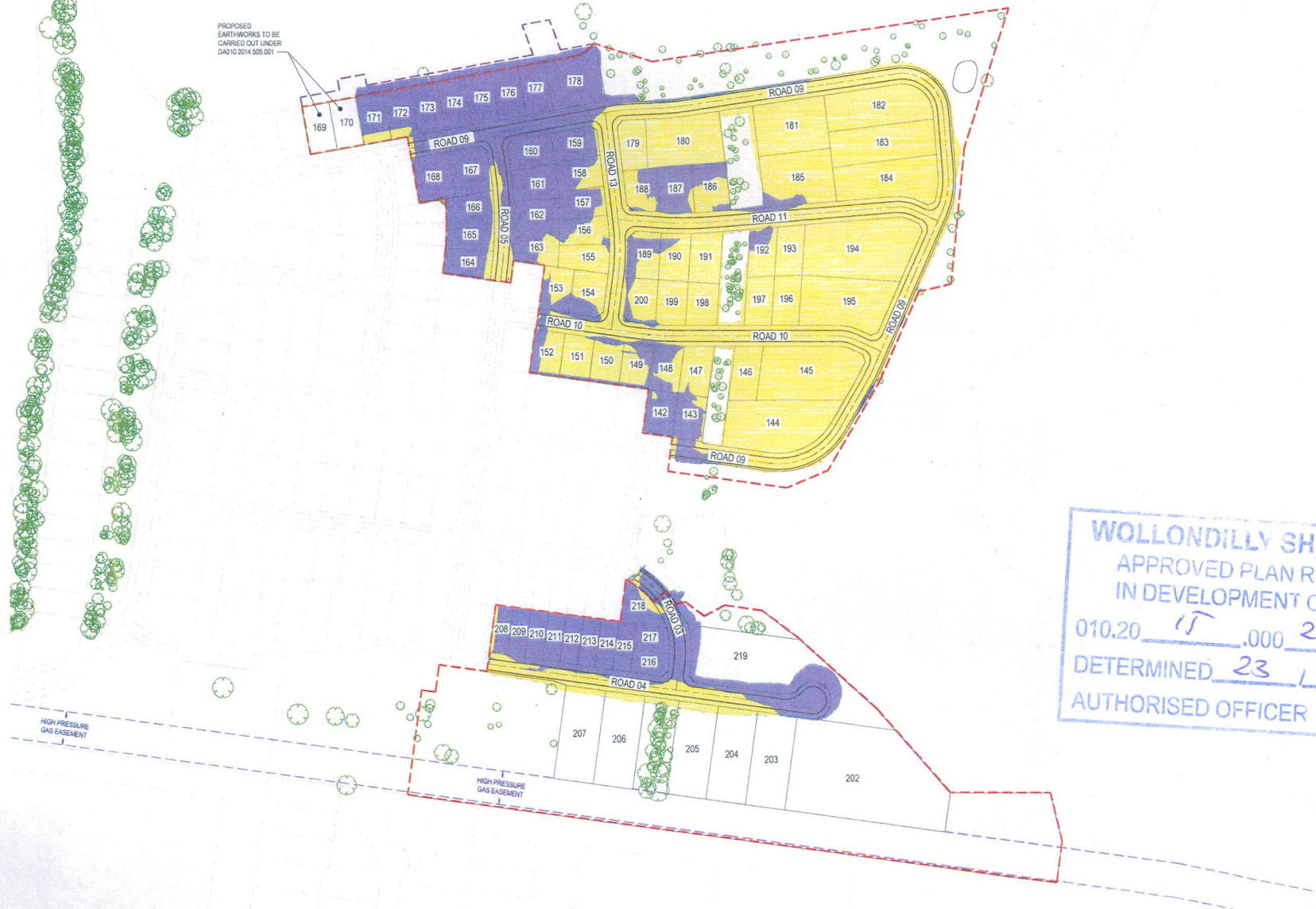
Yours faithfully


John Rawes
Acting District Manager

SCANNED



Standard (Auto) Sub.



WOLLONDILLY SHIRE COUNCIL
 APPROVED PLAN REFERRED TO
 IN DEVELOPMENT CONSENT NO.
 010.20 15.000 213 1
 DETERMINED 23 12 15
 AUTHORISED OFFICER

LEGEND	
	PROPOSED CIVIL WORKS BOUNDARY
	PROPOSED STAGING BOUNDARY
	PROPOSED CUT
	PROPOSED FILL
	EXISTING GAS EASEMENT
	EXISTING TREE TO BE RETAINED



BULK EARTHWORKS CUT AND FILL LAYOUT
 SCALE 1:1500



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Cardno
 Shaping the Future
 Cardno (NSW) Pty Ltd (ABN 96 001 145 035)
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 Tel: 02 4228 4133 Fax: 02 4228 6811
 Web: www.cardno.com.au

Drawn BAH	Date 20/03/2015	Client LEND LEASE COMMUNITIES (WILTON)
Checked JMW	Date 25/03/2015	Project BINGARA GORGE GREENBRIDGE EAST STAGE 4C & 4D DEVELOPMENT APPLICATION
Designed JMW	Date 20/03/2015	Title BULK EARTHWORKS CUT AND FILL LAYOUT PLAN
Verified HMO	Date 25/03/2015	Status FOR APPROVAL NOT TO BE USED FOR CONSTRUCTION PURPOSES
Approved HMO	Date 25/03/2015	Drawn AHD
		Scale 1:1500
		Sheet A1
		Revision A
		Drawing Number NA82013043-07 C5007



Rev	Date	Description	Des	Verif	Appd
1	27/03/2015	ISSUED FOR DA	BAH	HMO	HMO
2	25/03/2015	ISSUED FOR INFORMATION TO CLIENT	JMW	HMO	HMO

Lend Lease

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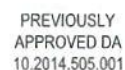
Cardno
Shaping the Future
Cardno (NSW/ACT) Pty Ltd | ABN 95 001 145 035
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Wollongong NSW 2500
Tel: 02 4228 4133 Fax: 02 4228 6811
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Drawn	Date
BAH	28/03/2015
Checked	Date
JMW	25/03/2015
Designed	Date
JMW	20/03/2015
Verified	Date
HMO	25/03/2015
Approved	Date
HMO	25/03/2015

Client LEND LEASE COMMUNITIES (WILTON)
Project BINGARA GORGE
GREENBRIDGE EAST
STAGE 4C & 4D DEVELOPMENT APPLICATION
Title GENERAL ARRANGEMENT LAYOUT PLAN
STAGE 4C

FOR APPROVAL			
NOT TO BE USED FOR CONSTRUCTION PURPOSES			
DATUM	Scale	Size	Revision
AHD	1:750	A1	
Drawing Number			Revision
NAB2013043-07 C5002			A





ENVIRONMENTALLY PROTECTED AND RECREATIONAL BUSHI AND

LEGEND

-
- PROPOSED STAGING BOUNDARY
 - PROPOSED OPEN SPACE (COMMUNITY / PRECINCT)
 - PROPOSED ENVIRONMENTAL PROTECTION AND RECREATION LANDS
 - APZ ZONE
 - EXISTING TREE TO BE RETAINED
 - ENVIRONMENTALLY SENSITIVE LAND BOUNDARY AS DENOTED IN THE LEP AND RECEIVED FROM DOP

REFERENCE SK046

STAGE 4C & 4D SECTION 96 LAYOUT PLAN
SCALE 1:750

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Web: www.cardno.com.au

Drawn	BAH	Date	27/04/2017
Checked	BAH	Date	20/06/2017
Designed	BAH	Date	27/04/2017
Verified	DMS	Date	20/06/2017
Approved			

Client	LEND LEASE
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Project	BINGARA GORGE GREENBRIDGE EAST STAGE 4C & 4D DEVELOPMENT APPLICATION
Title	STAGE 4C & 4D SECTION 96 LAYOUT PLAN SHEET 1 OF 2

Status **FOR INFORMATION ONLY**
NOT TO BE USED FOR CONSTRUCTION PURPOSES

DATUM		Scale	Size
AHD		1:750	A1
Drawing Number			Reviz
NA82013043-07 SK046			2

Report 3 Attachments

1. L&E Court Conditions of Consent

Thursday 28 June 2018

Report 3 – Development Application 010.2014.00000588.003 -
165, 175, 185 & 195 River Road, Tahmoor - Modify Conditions
of Consent granted by NSW Land & Environment Court

ANNEXURE 'A'
CONDITIONS OF CONSENT
CAMILLERI V WOLLONDILLY SHIRE COUNCIL

Applicant	Mary Camilleri
Land	Lots A and B DP 369710, Lots 1 & 2 DP 1210433 and Lots 85 and 86 DP 751270
Location	165, 175, 185 and 195 River Road, Tahmoor
Development	125 Lot Subdivision & Associated Works
Date of Determination	14 December 2016
Lapse Date	[14 December 2021

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

All Stages

(1) Development Consent is granted for a one hundred and twenty five (125) lot rural residential subdivision and one (1) open space lot in six (6) stages at *Lots A & B, DP 369710, Lots 85 & 86, DP 751270 and Lots 1 & 2 DP 1210433, No's 165-195 River Road, Tahmoor.*

(2) Development shall take place in accordance with the following plans/reports.

Plan Title	Drawn By/Author	Plan Reference	Dated
Subdivision Plan	Urbis Pty Ltd	1770P L07 Rev D Amendment 10	24.11.16

except where varied by the following conditions of consent:

(3) Only those trees identified on the plan titled "Demolition, Tree Removal and Soil & Water Management Plan" prepared by Craig & Rhodes (Ref 1770) (Dwg No. 1770p Z01[06]) Sheet 1 of 1 are permitted to be removed but only within the land zoned R5 Large Lot Residential in accordance with the provisions of the Wollondilly Local Environmental Plan 2011 (current version 4 September 2015).

(4) The staging of the development is as follows:

Stage	Description
1	creation of Lots 101 to 118 inclusive , one (1) public open space lot and residue
2	create Lots 201 to 220 inclusive and residue
3	create Lots 301 to 330 inclusive and residue
4	create Lots 401 to 421 inclusive and residue
5	create Lots 501 to 521 inclusive (except Lot 511) and residue
6	create Lots 601 to 615, inclusive and including Lot 511

(5) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development

Application registered in Council's records as Development Application No. 010.2014.00000588.001 received on 22/09/2014 and where subsequently superseded by the amended plans and information submitted to Council on 2 March 2015 and 9 June 2015 except where varied by the following conditions of consent.

(6) Development shall take place in accordance with the recommendations of the following reports:

- Development Application and Statement of Environmental Effects To Wollondilly Shire Council – Large Lot Residential Subdivision, 165-185 River Road, Tahmoor” prepared by EJC Corporate Service Pty Ltd dated 16 September 2014
- "Vegetation Management Plan: The Acres, Tahmoor" prepared by Eco Logical Australia dated 24 November 2016 (version 1.1)
- "Bushfire Protection Assessment" – Proposed Rural Residential Subdivision Lot A & B DP 369710 and Lots 85 and 86 DP 751270, 165-815 River Road, Tahmoor – Under Section 100B of the Rural Fires Act (1997)" prepared by Travers Bushfire and Ecology dated August 2014 (Ref A14091B) except where superseded by the addendum reports dated October 2014 (Ref: A14091B), March 2015 (Ref: A14091B2), July 2015 (Ref: A14091B3), and the "Vegetation Management Plan: The Acres, Tahmoor" which takes precedence over all of the preceding documents
- "Flora and Fauna Assessment Lot A & B DP 369710 and Lots 85 and 86 DP 751270, 165-815 River Road, Tahmoor" prepared by Travers Bushfire and Ecology dated September 2014 (Ref: A14091F) except where superseded by the addendum report submitted in October 2014 (Ref A14091F) and the "Vegetation Management Plan: The Acres, Tahmoor" which takes precedence over all of the preceding documents
- "Preliminary Contamination Assessment, 165-185 River Road, Tahmoor NSW" prepared by JBS Environmental dated July 2012 (Ref: JBS 41274-15405)
- "Cultural Heritage Impact Assessment, 165-185 River Road, Tahmoor" prepared by RPS, (Ref PR104838) dated August 2012
- "Riparian Corridor and Site Flood Assessment, 165-815 River Road, Tahmoor: prepared by Worley Parsons dated 31 July 2012 (Ref: 301015-02294-dbtm_wjh120731 – Tahmoor Riparian + SFA.doc)
- "Report for Odour Impact Assessment for Mary Camilleri, Koorana Road, Tahmoor NSW" prepared by Benbow Environmental dated September 2011 (Ref: September 2011)
- "EG Property Group Tahmoor Recreation Precinct Transport Impact Assessment" prepared by ARUP dated 18 July 2012 (Ref: 220887)
- "Proposed Recreation Precinct, Tahmoor – Water Sensitive Urban Design Report for Rezoning" prepared by GCA Engineering Solutions dated 2 August 2012 (Ref: Final, Revision 3)
- "Preliminary Wastewater Assessment 165-185 River Road, Tahmoor for EJC Corporate Services Pty Ltd c/- Craig & Rhodes" prepared by SMEC Testing Services Pty Ltd dated August 2014 (Ref: 19747/4414C) except where superseded by the report prepared by Cardno (NSW/ACT) Pty Ltd, Exhibit E in Land and Environment Court Proceedings 2016/00161100.

except where varied by the following conditions of consent:

(7) A management plan shall be prepared and submitted to *Council or a* nominated Accredited Certifier prior to the release of any Construction Certificate which details what measures and the like will be employed to prevent landowners of all allotments that share a common boundary with the E2 Environmental Conservation Zone from disposing of all domestic waste (particularly lawn clippings) into the E2 Environmental Conservation Zone.

A notation shall be placed on the contract of sale advising the responsibilities of all affected landowners in this regard.

(8) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:

- (a) Within the footprint of an approved building, access driveway or other structure; or
- (b) Within three (3) metres of the footprint of an approved building; or
- (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition Tree Clearing has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan 2011.

(9) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

(10) All such infrastructure and items referred to in this condition shall only be constructed and/or placed on land that is zoned R5 Large Lot Residential in accordance with the provisions from Wollondilly Local Environmental Plan 2011.

All Stages

(11) Any land to be dedicated to Council for public recreation purposes shall not be burdened with any easements and the like, except as required for the purposes of stormwater drainage under part 6 of these conditions of consent, or as required for the purposes of any services necessary for the land being dedicated, or as otherwise required to benefit that land being dedicated.

(12) Prior to the issue of any Engineering Construction Certificate, the persons or entity having the benefit of this consent shall submit to Council for approval detailed earthworks plans and reports to satisfy the following:

a) For Lots 319, 320, 322, 323, 324, 325, 418, 419, 501, 502, 503, 504, 505, 506, 507, 508, 509, 518, 519, 520 and 521;

(i) The effluent disposal areas are to be 1500m² in size, a maximum slope of 10%, a soil depth of 0.6m or greater with suitable compaction and proximity to any stormwater disposal systems,

or

(ii) If a minimum area of 1500m² cannot be achieved, a report detailing the works required to create suitable subsurface disposal areas in accordance with Council's "On-site Sewage Management System & Greywater Reuse Policy" (PLA0033).

The effluent disposal areas are to be contoured, not require any retaining walls and are to address overland flow paths.

The creation of the areas for effluent disposal areas shall not conflict with the General Terms of Approval provided by NSW Department of Primary Industries – Water and are not to result in any change of levels within the E2 zone,

(13) Prior to the issue of a subdivision certificate creating Lots 319, 320, 322, 323, 324, 325, 418, 419, 501, 502, 503, 504, 505, 506, 507, 508, 509, 518, 519, 520 and 521, the Applicant is to create effluent disposal area(s), within the R5 zoned portion of each Lot in accordance with the approved plans subject of Condition 1(18).

(14) Certification from a civil engineer shall be submitted to Council certifying that all works undertaken to create effluent disposal areas of suitable size, grade and characteristics for disposal by surface irrigation, for Lots 319, 320, 322, 323, 324, 325, 418, 419, 501, 502, 503, 504, 505, 506, 507, 508, 509, 518, 519, 520 and 521 have been completed in accordance with this condition, the Silver Book, and Council's "On-Site Sewage Management System & Greywater Reuse Policy" (PLA0033).

2. MANAGEMENT OF CONTAMINATED LAND

These conditions have been imposed to ensure that the site is suitable for the proposed development with regard to the possible contamination of soil and groundwater.

Stage 1 only

(1) Prior to the issue of any Construction Certificate, the persons or entity having the benefit of this consent is to furnish the Council with an addendum Phase 1 contamination assessment to the "Preliminary Contamination Assessment, 165-185 River Road, Tahmoor NSW" prepared by JBS Environmental dated July 2012 (Ref: JBS 41274-15405), which confirms whether or not there is any contamination associated with the demolition of dwellings on the property which would prevent the use of the land for residential subdivision.

If the addendum Phase 1 Contamination Assessment states that there is contamination present associated with the demolition of dwellings on the property which would prevent the use of the land for residential subdivision, then the Applicant must, prior to the issue of any Construction Certificate:

- obtain and submit to Council a Remediation Action Plan which details any remediation required to make the land suitable to be used for residential subdivision;
- carry out remediation in accordance with the Remediation Action Plan; and
- provide Council with a validation report confirming that the required remediation has been carried out in accordance with the Remediation Action Plan.

3. INTEGRATED DEVELOPMENT

These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:

(1) The conditions of the attached Bushfire Safety Authority issued by the NSW Rural Fire Service dated 19 December 2014 form conditions of this consent and are included as conditions of this Consent.

(2) The attached General Terms of Approval issued by the *Department of Primary Industries – Office of Water* dated 8 December 2014 form conditions of this consent and are included as conditions of this Consent.

(3) *A copy of the Controlled Activity Approval issued by the Department of Primary Industries – Office of Water is to be provided to Council or the Nominated Accredited Certifier prior to the issue of any Construction Certificate for the development.*

(4) The approval obtained from the NSW MSB form conditions of this consent and are included as conditions of this Consent.

(5) Certification from a suitably qualified and practising bushfire consultant shall be provided to Wollondilly Shire Council demonstrating that the works required by Condition 3(1) have been completed prior to the release of each and every Subdivision Certificate.

(6) The onus is on the persons having the benefit of this consent to ensure that all requirements from the General Terms of Approval issued by each state authority are satisfied at the relevant stage of the development.

4. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

All Stages

(1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.

(2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.

(3) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:

- (a) Must be a standard flushing toilet; and
- (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

Sewage Management Facility has the same meaning as it has in the Local Government (General) Regulation 2005.

(4) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.

(5) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.

(6) If the soil conditions require it:

(a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and

(b) Adequate provision must be made for drainage.

(7) PROTECTION OF PUBLIC PLACES

(a) If the work involved in the erection or demolition of a building:

(i) Is likely to cause pedestrian or vehicular traffic in a place to be obstructed or rendered inconvenient, or

(ii) Building involves the enclosure of a public place.

A hoarding or fence must be erected between the work site and the public place.

(b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

(c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

(8) There shall be no burning of builder's rubble, felled trees or other material on site.

(9) Dam removal shall be staged to enable any aquatic fauna that may potentially be utilising these areas as habitat, to have the opportunity to seek alternative habitat.

A qualified fauna expert must be present to relocate and humanely dispose of fauna from the dewatering of the dam prior to filling.

The dewatering should not cause adverse impacts to downstream environments.

5. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:-

All Stages

(1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.

(2) Engineering design plans and stormwater drainage calculations, for all road and drainage construction, shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development.

All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.

(3) Where Council's Construction Specification requires that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Principal Certifying Authority within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.

(4) A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council and for Public Roads the twelve (12) months is dated from the date of registration of the road as public Road. A 10% maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with council's Construction Specification for all work that is to become the property of Council.

(5) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Council, including CCTV recording for all road stormwater lines, before the final inspection for the Certificate of Practical Completion. The "Works as Executed" details shall be shown on the approved plans and must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.

The applicant shall provide details of all new assets constructed within the public land as per Council's Asset Valuation sheet, available from the Design Specification on the Council's website.

(6) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Principal Certifying Authority. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved with the Engineering Plans.

(7) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the RTA's "Traffic Control at Work Sites" manual. The plan is to be prepared and endorsed by a person with current RMS certification and submitted to Council with the 138 Consent Application.

6. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

All Stages

(1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.

(2) A drainage system shall be provided that ensures appropriate management of stormwater on all newly constructed roads. A drainage system shall be provided to collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.

(3) An interallotment drainage system shall be provided for those lots not able to discharge stormwater by gravity flow to the road gutter or suitable Council drainage system. This system shall be located within a drainage easement not less than 1.5 metres wide which confers appropriate drainage rights. A drainage connection pit shall be located in each lot for dwelling connections and overland flow drainage.

(4) Council drainage easements are to be a minimum 3.0 metres wide but may be larger depending on the size of the drainage structures. Interallotment drainage easements are to be a minimum 1.5 metres wide. Typically, a suitable grassed swale will need to be constructed within the easement to convey the 1% AEP Overland flow.

(5) A stormwater cut off drain shall be placed over all interallotment drainage lines to divert overland flows from affecting the adjoining lots.

(6) The applicant shall provide stormwater drainage and water quality treatment generally as shown on the concept plan by Craig & Rhodes sheet no. 1770P Z03(03) amended date 9 Sept.. 2015. Details of this shall be shown on the engineering plans for approval by Council as the Road Authority prior to the issue of the construction certificate.

(7) All stormwater channels draining road and upstream stormwater within easements in private property shall be piped, and include over land flow paths, to suitable outlet locations with appropriate controls. Details are to be included with the engineering plans for approval.

(8) Stormwater runoff water quality treatment train shall meet the objectives of the Upper Nepean Stormwater Management Plan. Details to be included for approval with the engineering plans. Standards for pollution reduction treatments are:

▪	Total Phosphorus	45%
▪	Total Nitrogen	45%
▪	Coarse Sediments	80% - particles 0.5mm or less and
▪	Litter	70% - greater than 5mm.

(9) The extent and depth of the 1 in 100 year ARI flow path shall be shown on the engineering plans and indicated on the linen plans, in particular on Lots 418, 518, 519 and 520 referred to on the approved plan of development subject of Condition 1(2) (except where varied by later conditions for lot boundary adjustments).

A restriction as to use shall be placed on the title of the lot preventing any alteration to the surface level or placement of any building, structure or unsuitable fence on the land affected by the 1 in 100 year ARI flow.

(10) The minimum floor level of any dwelling shall be 0.5 metres above the level of the 1 in 100 year ARI flood level, in particular on Lots 418, 518, 519 and 520 referred to on the approved plan of development subject of Condition 1(2) (except where varied by later conditions for lot boundary adjustments).

A restriction as to use shall be placed on the title of the lot preventing any alteration to the surface level or placement of any building, structure or unsuitable fence on the land affected by the 1 in 100 year ARI flow.

(11) A restriction shall be placed on the Title of each lot for any fencing to comply with Council's "Guidelines for the Erection of Fencing on Allotments in the Vicinity of Easements and Watercourses".

7. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

All Stages

(1) The person having the benefit of this consent shall, at no cost to Council, construct and dedicate to Council a suitable road or roads to ensure all lots will have access to an appropriate public road. The road shall be constructed to Council's Design & Construction Specifications.

(2) Prior to the issue of any subdivision certificate the applicant shall widen the existing road pavement in River Road in accordance with requirements of a Category G2 rural road as specified in Council's Design and Construction Specifications, at no cost to Council, from the intersection of Moorland Road to the proposed subdivision site. Minimum design criteria are as follows:

1. Unsealed shoulders shall be supported by an appropriately designed trafficable pavement.

2. The minimum sealed width shall be 8 m. In the portion of River Road from chainage 590 to the site boundary if the footpath is placed adjacent to the sealed pavement, the sealed pavement may be reduced to 7 m.

3. A 1.2 m wide footpath shall be constructed for the full length of River Road. In the portion of River Road from chainage 590 to the site boundary, the footpath can be located adjacent to the sealed pavement. In such circumstances, pedestrians shall be separated from vehicular traffic by a structural kerb and an appropriate safety barrier.

4. The existing pavement shall be rebuilt in the following circumstances:

a. Where final road design cross-falls are unsuitable or where levels are above or below the existing pavement level.

b. Where there are clear signs of pavement (sealed or unsealed) degradation.

c. Where the existing pavement is deemed by a suitably qualified geotechnical engineer as unsuitable for carrying the design traffic load.

Details of the proposed road engineering design plans shall be submitted to Council for approval, as the Road Authority, prior to the issue of a Construction Certificate.

(3) The applicant shall construct public roads generally as shown on the concept plan by Craig & Rhodes sheet no. 1770C SK06 Rev. D dated 7 Sept. 2015 and sheet no. 1770P Z03(03) dated 9 Sept.15, with the below variations.

- All carriageways shown as 8.0 metres wide on the proposed plans shall be constructed as 9.0 metre wide asphaltic concrete pavement with placement of an edge line 1.0 metres off the edge of seal
- The carriageway shall be placed to provide a minimum verge width of 3.0 metres
- A heavy duty dish crossing shall be provided as shown on the proposed plans for the full frontage of lots 101, 102, 103, 117 and 118
- The proposed roundabout shall be constructed with the use of kerb and gutter to contain vehicle turning paths and control stormwater runoff. The roundabout shall

- be designed and constructed for the turning paths of a 12.5 metre single unit truck, these turning paths are to be shown on the engineering plans.
- A 1.5 metre wide concrete pathway shall be constructed from the proposed path in River Road (required by the Voluntary Planning Agreement) to the proposed roundabout. Concrete pathways are not required beyond this point
- A raised kerb shall be constructed to separate the travel lanes from the central median of the entry road. Details are to be included on the engineering plans
- Provision of Car parking shall be included for all road frontages of public land and to be detailed with the engineering plans and approved by Council prior to the issue of a Construction Certificate
- Access shall be provided for Council's maintenance staff to the public land.

Details of all new roads shall be shown on the engineering plans for approval by Council as the Road Authority prior to the issue of the Construction Certificate.

(4) The asphaltic concrete depth for roads shall be a minimum 40mm and 50mm in the cul-de-sacs.

(5) The applicant shall provide test reports on asphaltic concrete works in public road including certification of material, thickness and compaction from a qualified pavement engineer in accordance with relevant Australian standards and Roads and Traffic Authority Specifications.

(6) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.

(7) Street Lighting shall be provided using LED LIGHTING within the subdivision to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.

(8) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.

(9) The person having the benefit of this consent shall, at no cost to Council, dedicate 10m x 10m splay corner at the junction of all public road in order to ensure intersection sight lines can be maintained.

(10) The road width shall comply with section 4.1.3 of "Planning for Bush Fire Protection 2006" for a minimum 8.0m wide carriageway.

Stage 1 only

(11) The speed environment *East* of No.78 River Road, Tahmoor shall be reduced to 50km/h prior to the issue of a Construction Certificate for Stage 1.

The persons having the benefit of this consent shall install appropriate signage at no cost to Council.

All Stages

(12) (a) The persons having the benefit of this consent shall submit to Council for approval a design for two (2) under road wombat crossings along River Road with the engineering design plans in accordance with the relevant guidelines and publications in regards to fauna

sensitive road design specifications issued by the NSW Office of Environment and Heritage and other relevant authorities.

(b) Wildlife crossing signage shall also be installed in both direction on the upslope and downslope portions of the River Road, and shall be installed after the road works are complete and prior to the issue of any subdivision certificate.

(c) Additional landscaping and revegetation works shall be carried out to replace any vegetation removed as part of the River Road road works to encourage habitat and shelter for fauna utilising the corridor structures. The landscaping and revegetation works must be approved by Council prior to the issue of construction certificate for the road works and must be completed prior to the issue of any subdivision certificate.

8. SECURITY AND SAFETY

These conditions are imposed to ensure that the development is compliant with the Safer by Design principles.

All Stages

- (1) Australian and New Zealand Lighting Standard 1158.1 – Pedestrian, requires lightning engineers and designers to consider crime risk and fear when selecting lamps and lighting intervals.
- (2) Public area lighting must be bright and even to permit facial recognition of approaching persons at 15m.
- (3) Street trees shall be maintained to maintain good sight lines from private and public vantage areas and not inhibit surveillance.
- (4) Pedestrian and cycle tracks must be wide enough to allow emergency vehicles to attend.

9. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

All Stages

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (5) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the

site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.

(6) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.

(7) All excess material shall be removed from the site. The spreading or stocking piling of excess material on site is not permitted.

10. EARTH FILL

These conditions have been imposed to ensure the safe disposal of fill:

All Stages

(1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist.

Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries. This includes filling of the existing dam.

(2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.

(3) There shall be no loss of support of the drainage easement as a result of excavation or filling within the site.

(4) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.

(5) Notice shall be provided to Council one or two business days prior to the commencement of earthworks and within two business days of the completion of such works.

(6) Should fill be imported from off-site, the person having the benefit of this consent shall provide Council with an audit report/waste classification report for the fill to be used in carrying out this development prior to commencing works. The audit report must be undertaken by a suitably qualified and practising professional.

(7) Prior to Council or a nominated Accredited Certifier issuing any Construction Certificate for this development, a geotechnical report prepared by a NATA registered laboratory shall be submitted. Such a report must demonstrate that the land will not be subject to subsidence, slip, slope failure or erosion where excavation and/or filling exceeds 500mm in depth or the land has been identified as previously filled.

(8) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a Controlled Activity *Approval* has been issued by the Department of Primary Industries – Office of Water.

(9) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.

(10) Should fill be imported from off site, only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development.

Copies of validation reports for all fill used shall be retained and presented to Council on request.

(11) Certification shall be provided to Council by a Registered Surveyor certifying that the development has complied with the conditions of this consent relating to the depth and extent of filling permitted on the site.

The certification shall be provided within three (3) months of the completion of the development. If the development is not completed within three (3) years of the date of this consent then a surveyors report detailing the extent and depth of fill shall be submitted within the first three (3) years of the consent and annually thereafter until the development is completed.

(12) Fill batters shall be limited to a maximum slope of 1 in 2 for batters greater than 0.6 metres in height unless supported by a geotechnical report prepared to the satisfaction of Council. In the case of batters less than 0.6 metres in height the maximum slope shall be 1 in 4 unless supported by a geotechnical report prepared to the satisfaction of Council.

11. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

All Stages

(1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:

- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
- When drainage lines have been laid, jointed and bedded, prior to backfilling
- Prior to pouring of the drainage pits, when the formwork and steel is in place
- Prior to pouring of the road drainage culverts, when the formwork and steel is in place
- When roadworks have been excavated to subgrade, prior to placing of pavement
- When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material
- After shaping and prior to topsoil/turf placement of overland flow paths
- When part of the pavement depth (as indicated by Principal Certifying Authority) has been placed
- During the roller test, which is to be carried out using a three point roller or approved equivalent
- At sealing
- At completion of the preparation of kerb and guttering subgrade
- At completion of the preparation of all concrete layback gutter crossing subgrade
- Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place
- Prior to pouring vehicle crossing slabs, when formwork and steel is in place
- Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place
- At practical completion of works
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours' notice is required for inspections where Council is the Principal Certifying Authority.

(2) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the PCA.

12. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

All Stages

(1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of *any* Subdivision Certificate.

(2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of *any* Subdivision Certificate.

(3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate for the development.

(4) All power and services provided to the development within the site shall be underground.

13. WASTE MANAGEMENT

These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:

All Stages

(1) A Waste Management Plan is to be submitted to the Council or a nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council's Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.

(2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by Council or a nominated Accredited Certifier in response to a condition of this consent.

14. SIGNS

These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.

All Stages

(1) An application under the provisions of the Environmental Planning & Assessment Act, shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act.

(2) Information with regard to directional signage shall be detailed and provided on the engineering design plans and submitted to the nominated Accredited Certifier prior to the release of the Construction Certificate.

15. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

All Stages

(1) Should any potential archaeological deposit likely contain Aboriginal artefacts be identified during the planning or historical assessment stage, application shall be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.

(2) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.

(3) In addition to the above, the works required to fulfil the conditions of this consent shall be undertaken in accordance with the recommendations and findings from the "Cultural Heritage Impact Assessment, 165-185 River Road, Tahmoor" prepared by RPS, (Ref PR104838) dated August 2012, being:

a) Recommendation 1

RPS TA1 (Rock shelter with PAD) must be avoided by the proposed development and 50m buffer maintained around this site.

OEK has required that development free buffer along the eastern boundary of Lot 86 DP751270 be adhered to. This has been required on the basis that crown land is located east of Lot 86 DP751270 and this crown land has not been subject to a heritage assessment. The proponent should consider whether a development free buffer zone along the eastern boundary of Lot 86 DP751270 can be adhered to, if not, then the crown land adjacent should be assessed.

b) Recommendation 2

A development free buffer along the eastern boundary of Lot 86 DP751270 be adhered to, or if this is not possible then the crown land adjacent to this lot must be subject to a heritage assessment.

As there was no identified need for an Aboriginal Heritage Impact Permit (AHIP) the Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) have not been followed. However, Tharawal LALC has been consulted in this assessment. If Aboriginal artefacts are later identified and an AHIP is required, then the ACHCRs must be followed.

OEH has suggested that the ACHCRs be run for the project, but they are not mandatory unless an AHIP is required.

c) Recommendation 3

The Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) should be considered by the proponent on the advice of OEH, but at this stage it is not a mandatory requirement.

d) Recommendation 4

Prior to the commencement of work, all relevant staff and contractors should be made aware of their statutory obligations for heritage under NSW NPW Act (1974) and the NSW Heritage Act (1977), which may be implemented as a heritage induction/training workshop. Staff and contractors should also learn of their responsibilities relating to the impact of Aboriginal objects and identification of Aboriginal objects.

e) Recommendation 5

If works are planned outside of the Study Area, then this area will need to be assessed for European and Aboriginal archaeological heritage.

f) Recommendation 6

If Aboriginal objects/s are identified in the study area during development, then all works in the area should cease, the area cordoned off and contact made with Department of Environment, Climate Change and Water Enviroline 131 555, a suitably qualified archaeologist and the relevant Aboriginal stakeholders, so that it can be adequately assessed and managed.

g) Recommendation 7

In the event that skeletal remains are uncovered, work is to stop in the vicinity immediately and the relevant command area of the NSW Police contacted. If skeletal remains are deemed to be of Aboriginal origin, then all works in the area should cease, the area cordoned off and contact made with DECCW Enviroline 131 555, a suitably qualified archaeologist and the relevant Aboriginal stakeholders, so that it can be adequately assessed and managed.

h) Recommendation 8

If, during the course of clearing works, significant European cultural heritage material is uncovered, work should cease in that area immediately. The NSW Heritage Branch should be notified and works only recommence when an appropriate and approved management strategy instigated.

(4) The persons having the benefit of this consent shall provide documentary evidence with each application for a Subdivision Certificate demonstrating compliance with the above conditions.

16. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

All Stages

(1) Landscaping is to be installed in accordance with the "River Road, Tahmoor EJC" plan prepared by Arcadia Landscape Architects dated September 2014 prior to the release of the subdivision certificate.

The landscaping must be maintained in accordance with the details provided on that Plan at all times.

(2) All trees that are to be retained are to be protected by fencing, firmly staked within the drip line/canopy of the tree and maintained during the duration of the works. The area within the fencing must not be used for stockpiling of any material, nor for vehicle or pedestrian convenience.

17. STREET TREES

These conditions are imposed to ensure that street trees are sensitive to the environment in which they are located.

All Stages

(1) Plans shall be provided that detail the location of all utility services, share ways and street trees including tree protection to be approved by Council prior to the issue of a Construction Certificate.

(2) The following street trees species shall not be used:

- *Angophra costata*
- *Plantus x acerifolia 'Columbia'*
- *Allocasuarina littoralis*
- *Eucalyptus heamastoma*
- *Populus fastigiata*
- *Eucapltus territicornis*
- *Lophostemon confertus*
- *Sapium*
- *Angohora floribunda*
- *Lophostemon confertus*
- *Sapiums serbiferum*
- *Fraxinun grifithii*
- *Liquidambar*
- *Cupressus torulosa*
- *Sapium sebiferum.*

NOTE: It is recommended that the person(s) having the benefit of this consent use Tables 1, 2 and 5 from Wollondilly Development Control Plan 2011 Volume 1 – General as a guide for tree planting for this and the remainder of the estate.

(3) Root guards are to be installed where street trees may affect infrastructure. Details shall be shown on the landscaping plans.

(4) All street trees and landscaping located within Public Roads and Public Reserves shall be maintained for a 12 month defects liability period from the date of the release of each subdivision certificate for a subdivision creating residential lots.

(5) A bond shall be paid, with the amount determined at the time, to Council for a period of 12 months thereafter to cover the cost of replacing *street* trees or landscaping that dies or is damaged irrevocably.

18. TREE REMOVAL AND VEGETATION MANAGEMENT

These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner and to protect vegetation that has been identified on the subject land.

All Stages

(1) Hollow-bearing trees shall not be removed during the bat nesting season (October to December). Soft-felling techniques shall be utilised and all tree felling will be supervised by a qualified ecologist. Vertebrate fauna shall be located to the E2 lands as soon as practical.

(2) Prior to the commencement of any work a joint inspection shall be arranged between the Arborist and Council's Environmental Management Officer to confirm that all suitable trees have been clearly marked for retention.

(4) Earthworks are not permitted within a 15 metre radius of the drip zone of nominated and significant trees or the E2 Environmental Conservation Zone.

(5) Precautions must be adequately adopted to minimise the impact around the identified significant vegetation. Soil is not to be built up around the drip zone around significant vegetation or the E2 Environmental Conservation Zone.

(6) Solid or liquid waste materials shall not be deposited in the E2 Environmental Conservation Zone.

(7) The plant identified as *Persoonia bargoensis* (Bargo Geebung) be identified and GPS location placed on the approved site plan. It should then be retained and a restriction placed on title to protect the ecologically significant item.

All boundary fences in this locality shall be constructed of either plain strand wire or rural post and rail so that the plant may stand unaffected by any boundary fence or disturbance.

The plant must be retained or a licence obtained under the Threatened Species Conservation Act 1995 for its destruction. Council should be notified in writing if approval under the Threatened Species Conservation Act 1995 is sought and granted.

19. WEED MANAGEMENT

These conditions have been imposed to ensure that noxious and environmental weeds on the subject land are appropriately managed.

All Stages

(1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Principal Certifying Authority for approval prior to the release of any Construction Certificate and shall include:

- a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (i.e., low, medium, high).
- b) A treatment schedule in tabulated form, specifying for each species:
 - i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
 - ii) The rates of application methods of all herbicide treatments;
 - iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
 - iv) The timing of treatments.
- c) A weed maintenance program indicating the methods to be implemented to maintain a weed-free site.
- d) Details of any methods of disposal of weed material.

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Council that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

20. SECTION 94 CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

All Stages

(1) Developer Contributions shall be paid/levied/provided and the works in kind shall be completed in full for each stage of the development in accordance with the Voluntary Planning Agreement dated 12 August 2013.

(2) Prior to the release of each Subdivision Certificate, the persons having the benefit of this consent shall provide Council with documentary evidence that works in kind and the like subject of the Voluntary Planning Agreement have been undertaken in accordance with the lot creation anniversaries.

21. SUBDIVISION PLANS

These conditions have been imposed

- (a) To outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.

(b) To outline Council's requirements on work standards for the construction of land subdivision:

All Stages

(1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.

(2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Lands Titles Office. A fee for the release of the Subdivision Certificate applies.

(3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.

(4) Submission of the appropriate instruments under the Conveyancing Act (e.g. Section 88B) with the linen plan to create the following restrictions as to User on the lots and responsibilities on future owners:

a) For each lot: all future residential development must contain a concrete slab using Class 32 (N32) concrete or sulphate resistant type SR cement with a cement ration of 0.5 unless a salinity assessment report has been submitted with a future development application to demonstrate the land is not saline.

b) For Lots 209, 210, 211, 311, 312, 313, 314, 315, 316, 317, 318, 319-320, 321, 322-323, 324-325, 326, 327, 520, 505-507, 508-509, 510, 511, 606 to 615 inclusive the following things are prohibited on that part of the Lot zoned E2 Environmental Conservation:

- the construction of a dwelling or any other structures (including all types of fences),
- removal of vegetation (other than weeds),
- grazing of animals,
- the construction of earth dams,
- the creation/establishment of an asset protection zones,

c) For the following lots, the restriction on title is to name Council as the authority permitted to release or vary the restriction. Dwellings are to be restricted as follows:

- Lots 106 to 108: Dwellings must be built to the east of the "R5 Transition zone" as marked on Figure 1 "VMP Area" of the "Vegetation Management Plan: The Acres, Tahmoor" prepared by Eco Logical Australia dated 24 November 2016 (version 1.1), being at least 30 metres from the boundary of land zoned E2;
- Lots 315 to 327, 511, 520 to 521, 606 to 607, 610 to 615: : Dwellings must be built to the west of the "R5 Transition zone" as marked on Figure 1 "VMP Area" of the "Vegetation Management Plan: The Acres, Tahmoor" prepared by Eco Logical Australia dated 24 November 2016 (version 1.1), being at least 30 metres from the boundary of land zoned E2;
- Lots 209 to 211, 311 to 314, 507 to 510: Dwellings must be built to the south of the "R5 Transition zone" as marked on Figure 1 "VMP Area" of the "Vegetation Management Plan: The Acres, Tahmoor" prepared by Eco Logical Australia dated 24 November 2016 (version 1.1), being at least 30 metres from the boundary of land zoned E2; and
- Lots 608 to 609: Dwellings must be built to the north of the "R5 Transition zone" as marked on Figure 1 "VMP Area" of the "Vegetation Management Plan: The Acres, Tahmoor" prepared by Eco Logical Australia dated 24 November 2016 (version 1.1)), being at least 30 metres from the boundary of land zoned E2

- d) For all allotments: each lot shall only be serviced by one (1) driveway access.
- e) For each corner allotment: a building envelope shall be delineated on the linen plan identifying the primary and secondary setbacks in accordance with the setback controls from Section 4.5 Single Dwelling Houses (Rural Lifestyle Lots) from Wollondilly Development Control Plan 2011 Volume 3 Residential Development or subsequently amending plan.
- f) For each corner allotment: a driveway access location is to be shown on the linen plan and where practical, access shall be from a secondary road so as to limit any conflict upon the operation of the public system.
- g) For every allotment: upon an owner of a lot keeping a dog on the lot, the owner will erect and maintain dog-proof fencing enclosing the boundaries of the building envelope. Dogs may only be permitted outside the building envelope if they are on a leash and suitably controlled under the supervision of a responsible person.
- h) For every allotment: the prohibition of keeping of cats within all lots unless cats are confined to suitable enclosures at all times.

The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.

The restriction shall also contain a provision that it may not be released, varied or modified without the consent of Council.

- i) A covenant on the title of Lot 606 which requires the owner of the Lot to sell all land located east of the land marked "Line of Escarpment (By Survey)" on the Subdivision Plan by Urbis Pty Ltd 1770P L07 Rev D (Amendment 10) dated 24.11.16, to the National Parks and Wildlife Service at market rate, should National Parks and Wildlife Service confirm that they wish to purchase that land at market rate. The covenant should further require that if the parties are unable to agree on market rate, a binding determination of market rate is to be made by a mutually agreed Certified Practising Valuer.
- j) For lots 105 to 108, 209 to 211, 311 to 327, 507 to 511, 520 to 521, and 605 to 615, the "Vegetation Management Plan: The Acres, Tahmoor" prepared by Eco Logical Australia dated 24 November 2016 (version 1.1) must be implemented by carrying out the VMP Works listed below, and complying with the permissible land uses:

Zone (as marked in Figure 1 of the VMP)	Lots	Permissible Land use	VMP Works (actions required)
E2 Vegetation	510, 511, 609-615	-Weed Management	1, Weed Management -Developer's initial Works: Primary weeding -Developer's 2 year maintenance: Secondary Weeding -Landowner's long term maintenance: Maintenance Weeding
E2 Vegetation Buffer	106-108, 209-211, 311-327,	-Weed Management -Canopy planting	1, Weed Management -Developer's initial

	507-511, 520, 521, 607-615	consistent with the vegetation community in the E2 Zone.	Works: Primary weeding -Developer's 2 year maintenance: Secondary Weeding -Landowner's long term maintenance: Maintenance Weeding 2, Revegetation -Developer's Initial works: Tree planting
R5 Transition Zone (being 30m from the boundary of the E2 zoned land)	105-108, 209-211, 311-322, 507-511, 520, 521, 605-615	-Weed Management -Basins -Bushfire Asset Protection Zones (APZ) -Canopy planting that is APZ compliant -Effluent disposal fields (minimum 3m uphill and 6m downhill setback from E2 zone)	1, Weed Management -Developer's initial Works: Primary weeding -Developer's 2 year maintenance: Secondary Weeding -Landowner's long term maintenance: Maintenance Weeding 2, Revegetation -Developer's Initial works: Tree planting 3. APZ Establishment and Management -Developer's 2 year maintenance: APZ Management -Landowner's long term maintenance: APZ Management

The terms used in the above table have the following meanings:

- **Primary Weeding:** the treatment/removal of bulk weed biomass across all management units. This stage reduces the weed coverage at the site
- **Secondary Weeding:** a high level of follow-up weeding targeting regrowth areas and undertaken in a manner that seeks to exhaust the weed seedbank on the site. This stage reduces the re-establishment of weeds
- **Maintenance Weeding:** an ongoing lower level of treatment that is commensurate with a low level of weed seed now available in the soil. This stage maintains the site. Weeding should be undertaken by hand pulling and spot spraying of weeds. This should be undertaken on a 3 monthly basis.
- **Tree Planting:** Tree planting will only entail the planting of canopy species that are consistent with the Shale Sandstone Transition Forest community and will be undertaken at a density that is bushfire Asset Protection Zone (APZ) compliant. Planting will be undertaken at a density of one tree per 400m² with an even mix of the following species: *Angophora bakeri*, *Eucalyptus punctate*, *Eucalyptus tereticornis*, *Eucalyptus crebra*, *Eucalyptus fibrosa*.
- **APZ Management:** These lands should be maintained as pasture with vegetation (except for canopy trees) managed to a maximum height of 100mm during the bushfire danger season (generally October to March). This is likely to entail monthly maintenance during the bushfire danger period. Outside of these periods APZ maintenance is likely to be required on a 3 monthly basis. Additional APZ requirements include that no tree or tree canopy is to occur within 2m of dwelling rooflines, shrubs and trees are only acceptable if they are well spread and do not form a continuous canopy, are not species that retain dead material or excessive ground fuel, and are located far enough away from buildings that they will not ignite buildings by direct flame

contact or radian heat emission. Landscaping should be endemic mesic species or other low flammability species. .

(5) Existing easements and natural watercourses are to be marked on the Linen Plan of Subdivision.

(6) The development shall be completed in accordance with the relevant plans and conditions of consent relevant to each stage of the development prior to the release of the Subdivision Certificate for that stage.

23. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

All Stages

(1) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES

(a) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- (ii) Showing the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (iii) Stating that unauthorised entry to the work site is prohibited.

(b) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(c) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

ADVICES

All Stages

(1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., which require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.

(2) The following service providers should be contacted before commencement of construction to establish their requirements:

- Dial before you dig (various services) 1100
- Telstra (telephone) 1 800 810 443
- Endeavour Energy (electricity) 131 081
- AGL (gas) 131 245
- Sydney Water (water & sewer) 132 092.

(3) This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.

(4) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

(a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:

(i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or

(ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or

(b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

(5) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.

(6) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.

(7) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:

- Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
- Workers Compensation Insurance.
- Twenty Million Dollar Public Liability Insurance.

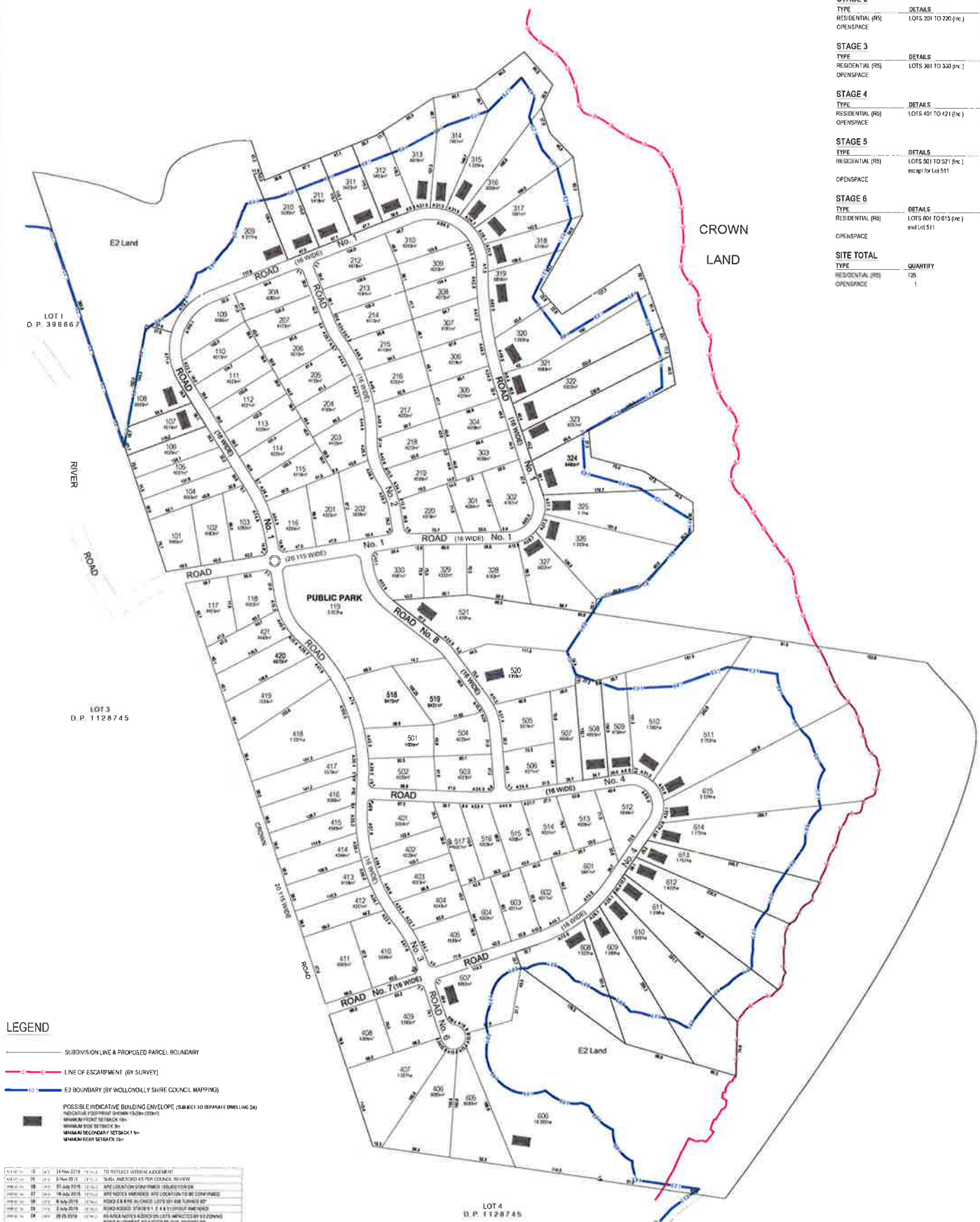
(8) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.

END OF CONDITIONS

LOT DIMENSIONS AND AREAS APPROXIMATE ONLY & SUBJECT TO SURVEY & REGISTRATION OF THE FINAL PLAN AT LPI NSW

MYRTLE CREEK, BARGO RIVER & NEPEAN RIVER BOUNDARIES SUBJECT TO SURVEY
ALL ROADS TO BE 16m WIDE UNLESS STATED OTHERWISE
ROAD ALIGNMENT SUBJECT TO ENGINEERING DESIGN

STAGE 1		
TYPE	DETAILS	QUANTITY
RESIDENTIAL (R5)	LOTS 101 TO 116 (inc.)	18
OPENSOURCE	119	1
STAGE 2		
TYPE	DETAILS	QUANTITY
RESIDENTIAL (R5)	LOTS 201 TO 220 (inc.)	20
OPENSOURCE		0
STAGE 3		
TYPE	DETAILS	QUANTITY
RESIDENTIAL (R5)	LOTS 301 TO 320 (inc.)	30
OPENSOURCE		0
STAGE 4		
TYPE	DETAILS	QUANTITY
RESIDENTIAL (R5)	LOTS 401 TO 421 (inc.)	21
OPENSOURCE		0
STAGE 5		
TYPE	DETAILS	QUANTITY
RESIDENTIAL (R5)	LOTS 501 TO 521 (inc.)	20
OPENSOURCE	except for Lot 511	0
STAGE 6		
TYPE	DETAILS	QUANTITY
RESIDENTIAL (R5)	LOTS 601 TO 615 (inc.) and Lot 511	16
OPENSOURCE		0
SITE TOTAL		
TYPE	QUANTITY	
RESIDENTIAL (R5)	126	
OPENSOURCE	1	



SUBDIVISION PLAN

Report 4 Attachments

- 1.. Plan of Proposed Subdivision
- 2.. Drainage Concept Plan

Thursday 28 June 2018

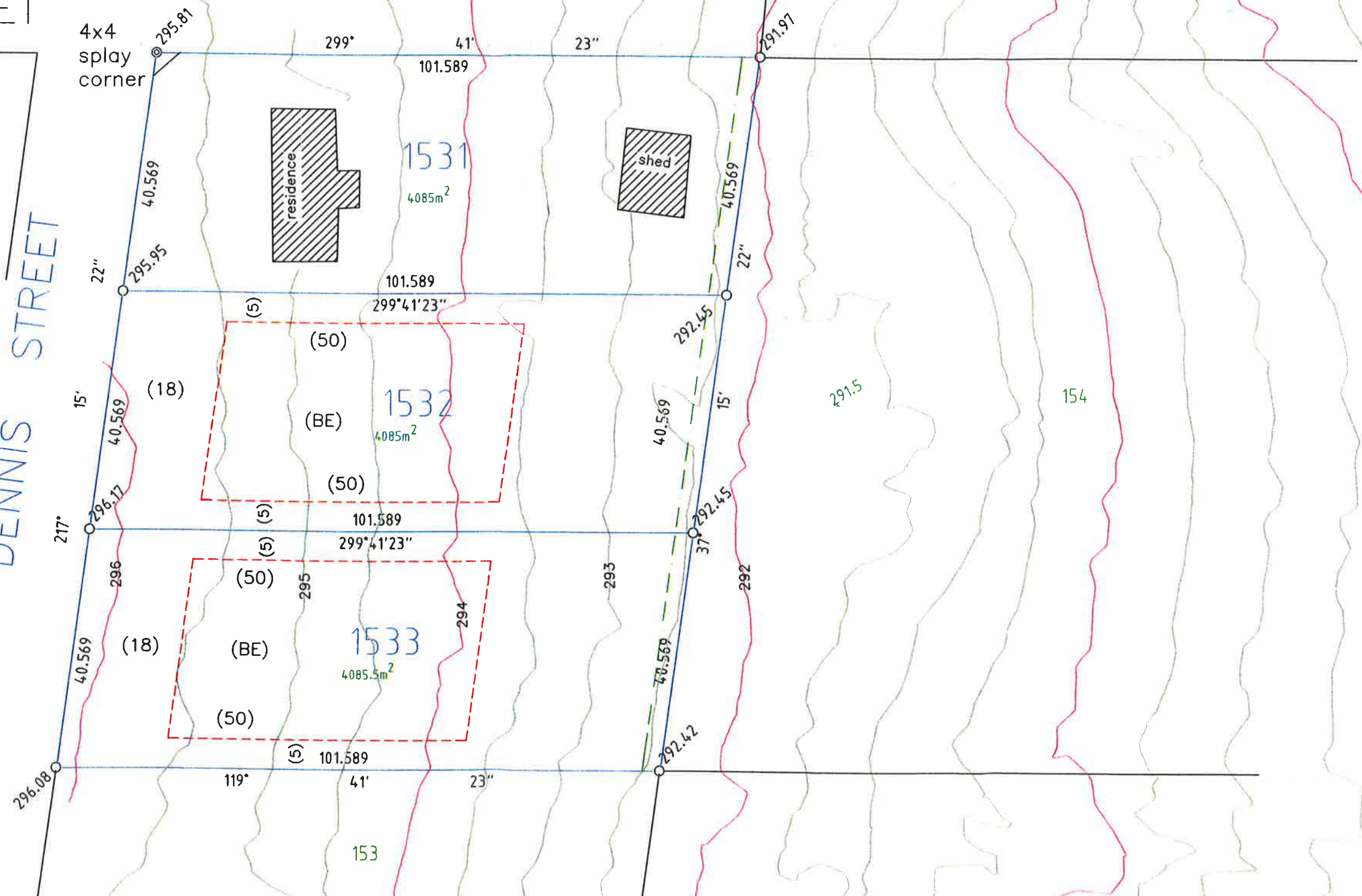
Report 4 – Development Application No
010.2015.00000731.001 25 Dennis Street Thirlmere –
Three Lot Subdivision



JARVIS STREET

DENNIS STREET

PROPOSED ALLOTMENTS



(BE) denotes building envelope for all future building improvements

NOTES

1. ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY
2. ALL LEVELS ARE ON AHD;
3. ALL LEVELS AND CONTOURS HAVE BEEN OBTAINED FROM LIDAR DATA FROM NSW LPI

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SHIRE OF WOLLONDILLY LOC:THIRLMERE 86

RED.RATIO 1:800

"A3"

DATE: 19TH AUGUST, 2014

CAD DRAWING N° 7282DA-SH2.DWG

PLAN FOR THE APPROVAL TO THE
SUBDIVISION AND DEVELOPMENT OF
LOT 153 DP 751270
NO. 25 DENNIS STREET

DESIGN: DRW

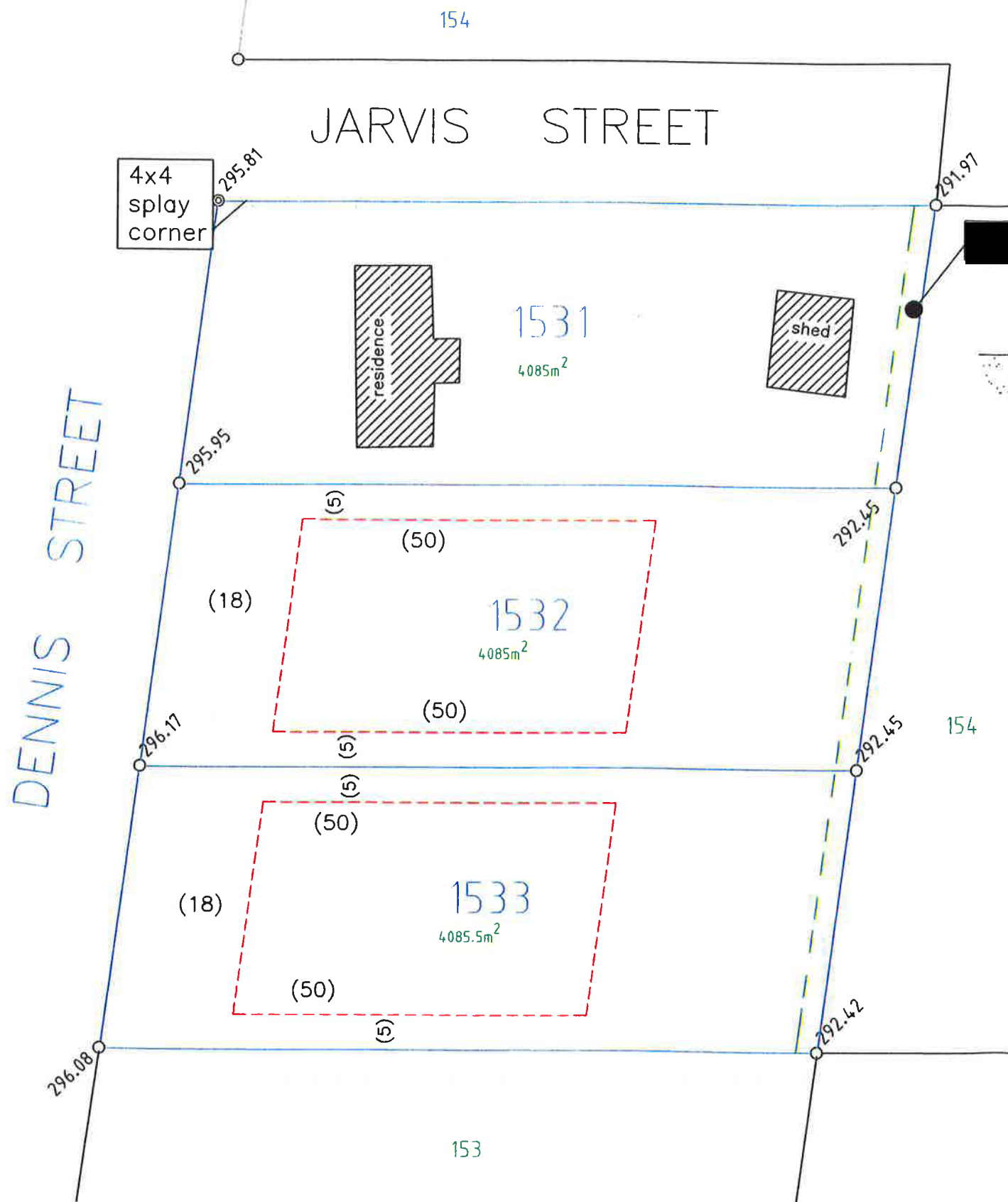
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SHEET 2 OF 3

FILE N°

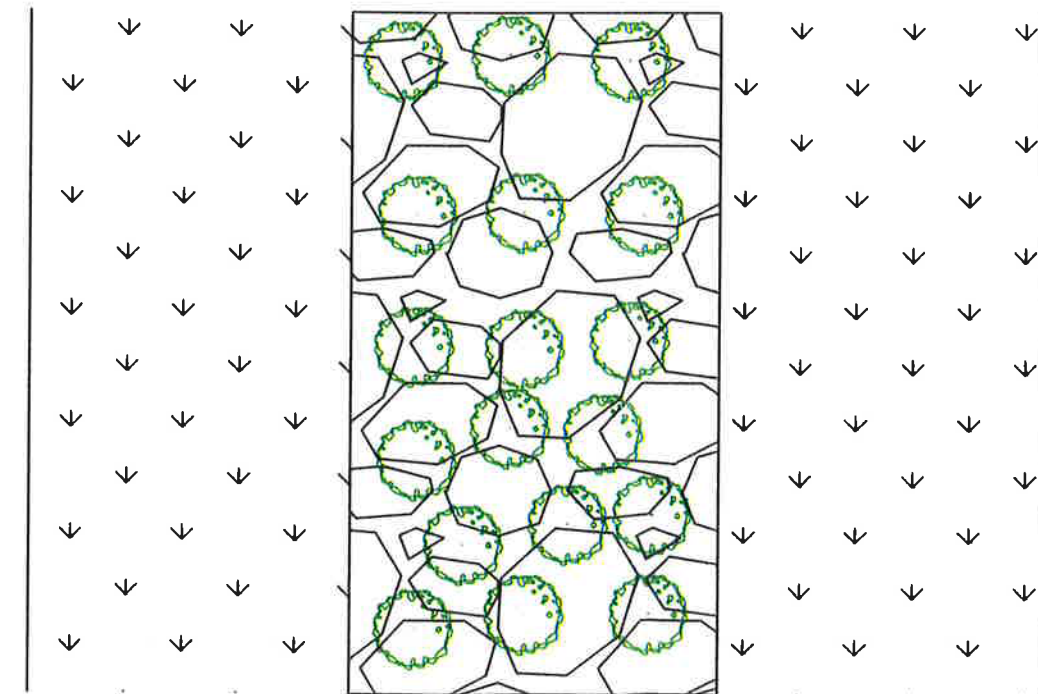
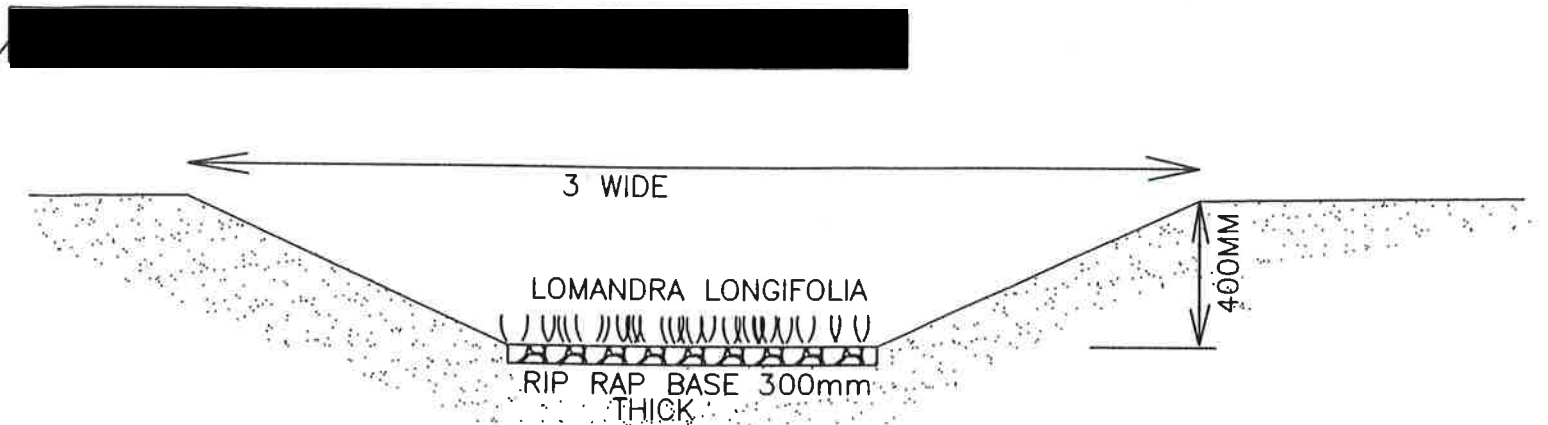
7289
DA

DRAINAGE CONCEPT PLAN



DRAINAGE CONCEPT PLAN

1. ALL DWELLINGS WILL REQUIRE A 20,000 LITRE MINIMUM ROOF WATER TANK;
2. OVERFLOW FROM THIS TANK WILL BE DIRECTED TO THE OPEN ROCK LINED SWALE ALONG THE EASTERN BOUNDARY;
3. OPEN SWALE TO BE 3 WIDE AND 400 mm DEEP AND TO CONFORM TO SECTION BELOW



PLAN VIEW OF SWALE



LOMANDRA LONGIFOLIA

COVERAGE M2
1X1

POT SIZE
140MM

CAD DRAWING N° 7282DA-SH3.DWG

NOTES

1. ALL DIMENSIONS ARE APPROXIMATE AND SUBJECT TO FINAL SURVEY
2. ALL LEVELS ARE ON AHD;
3. ALL LEVELS AND CONTOURS HAVE BEEN OBTAINED FROM LIDAR DATA FROM NSW LPI

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CONSULTING
SURVEYORS

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PICTON NSW 2571
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PLAN FOR THE APPROVAL TO THE
SUBDIVISION AND DEVELOPMENT OF
LOT 153 DP 751270
NO. 25 DENNIS STREET

DESIGN: DRW
DRAWN: DRW
SHEET 3 OF 3

FILE N°
7289
DA

SHIRE OF WOLLONDILLY LOC:THIRLMERE 87

RED.RATIO 1:800

"A3"

DATE: 19TH AUGUST, 2014

Report 5 Attachments

1. Local Planning Panels Direction – Development Applications
2. Draft Instrument of Delegation (to be provided under separate cover)

Thursday 28 June 2018

Report 5 – Delegation of Determinations

LOCAL PLANNING PANELS DIRECTION – DEVELOPMENT APPLICATIONS

I, the Minister for Planning, give the following direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*.



Minister for Planning

Dated: 23/2/2011

Objective

The objective of this direction is to identify the development applications that are to be determined by local planning panels on behalf of councils in the Greater Sydney Region and Wollongong.

Application

This direction applies to councils in the Greater Sydney Region and Wollongong. It also applies to any other council that constitutes a local planning panel under the *Environmental Planning and Assessment Act 1979*.

Interpretation

A word or expression used in this direction has the same meaning as it has in the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* made under the Act, unless it is otherwise defined in this direction.

Direction

Local planning panels of councils in the areas identified in the Table below are to determine development applications involving development of a kind specified in the Schedule to this direction that is identified in the Table below.

Note: Councils can make arrangements for the determination of applications for the modification of development consents by either the local planning panel or council staff.

Table

Council	Development
Bayside, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Georges River, Hawkesbury, Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Randwick, Ryde, Strathfield, Waverley, Willoughby, Wollondilly, Woollahra, and any other council that constitutes a local planning panel constituted under the EP&A Act	Schedule 1
Blacktown, Canterbury-Bankstown, Cumberland, Fairfield, Inner West, Liverpool, Northern Beaches, Parramatta, Penrith, Sutherland, The Hills, Wollongong	Schedule 2
City of Sydney	Schedule 3

This direction takes effect on 1 March 2018 and applies to development applications made but not determined before 1 March 2018.

If a council to which this direction applies has not delegated the function of determining a development application to an officer or employee of the council, then the local planning panel is to determine the development application.

SCHEDULE 1

1. Conflict of interest

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item, or
- (d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

- (a) in the case of a council having an approved submissions policy – is the subject of the number of submissions set by that policy, or
- (b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning and Environment which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number and nature of submissions received about development.

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the panel can delegate these applications to council staff to determine.

4. Sensitive development

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies.
- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licenced premises, that will require one of the following liquor licences:
 - (i) a club licence under the *Registered Clubs Act 1976*,
 - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
 - (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 2

1. Conflict of interest

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes which requires:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item, or
- (d) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

- (a) in the case of a council having an approved submissions policy – is the subject of the number of submissions set by that policy, or
- (b) in any other case – is the subject of 10 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning and Environment which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

3. Departure from development standards

Development that contravenes a development standard imposed by an environmental planning instrument by more than 10% or non-numerical development standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the panel can delegate these applications to council staff to determine.

4. Sensitive development

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies and is 4 or more storeys in height.

- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licenced premises, that will require one of the following liquor licences:
 - (i) a club licence under the *Registered Clubs Act 1976*,
 - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
 - (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.

SCHEDULE 3

1. Conflict of interest

Development for which the applicant or land owner is:

- (a) the council,
- (b) a councillor,
- (c) a member of council staff who is principally involved in the exercise of council's functions under the *Environmental Planning and Assessment Act 1979*,
- (d) a member of Parliament (either the Parliament of New South Wales or Parliament of the Commonwealth), or
- (e) a relative (within the meaning of the *Local Government Act 1993*) of a person referred to in (b) to (d).

but not development for the following purposes which requires:

- (a) internal alterations and additions to any building that is not a heritage item,
- (b) advertising signage,
- (c) maintenance and restoration of a heritage item,
- (d) development for the purpose of end of journey facilities, or
- (e) minor building structures projecting from the building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes and services, and sun shading devices).

2. Contentious development

Development that:

- (a) in the case of a council having an approved submissions policy – is the subject of the number of submissions set by that policy, or
- (b) in any other case – is the subject of 25 or more unique submissions by way of objection.

An **approved submissions policy** is a policy prepared by the council and approved by the Secretary of the Department of Planning and Environment which details the circumstances in which a local planning panel or council staff should exercise the consent authority functions of the council, based on the number or nature of submissions received about development.

3. Departure from development standards

For development for the purpose of dwelling houses, dual occupancies and attached dwellings, development that contravenes a development standard imposed by an environmental planning instrument by more than 25% or non-numerical development standard.

For all other development, development that contravenes a development standard imposed by an environmental planning instrument by 10% or non-numerical development standards.

Note: If the Secretary allows concurrence to be assumed by council staff for contravening development standards, the panel can delegate these applications to council staff to determine.

4. Sensitive development

- (a) Designated development.
- (b) Development to which *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* applies and is 4 or more storeys in height.
- (c) Development involving the demolition of a heritage item.
- (d) Development for the purposes of new licenced premises, that will require one of the following liquor licences:
 - (i) a club licence under the *Registered Clubs Act 1976*,
 - (ii) a hotel (general bar) licence under the *Liquor Act 2007*, or
 - (iii) an on-premises licence for public entertainment venues under the *Liquor Act 2007*.
- (e) Development for the purpose of sex services premises and restricted premises.
- (f) Development applications for which the developer has offered to enter into a planning agreement.